

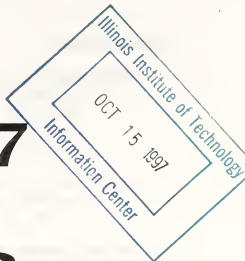
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1997

Illinois Register



Rules of Governmental Agencies

Volume 21, Issue 41—October 10, 1997

Pages 13,416 - 13,688

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 18, 1997 - Issue 16: Through	March 31, 1997
July 18, 1997 - Issue 29: Through	June 30, 1997
October 17, 1997 - Issue 42: Through	September 30, 1997
January 16, 1998 - Issue 3: Through	December 31, 1997 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
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June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Procedures for Determining Water Quality Based Permit Limitations for National Pollutant Discharge Elimination System Dischargers to the Lake Michigan Basin

- 2) Code Citation: 35 Ill. Adm. Code 352

- 3) Section Numbers:
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- 4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 39(b) of the Environmental Protection Act (415 ILCS 5/11(b) and 39(b))

- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments are complementary to a proceeding entitled, "Conforming Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code 302.101; 302.105, Subpart E; 303.443; and 304.222, now pending before the Illinois Pollution Control Board in R97-25.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Pursuant to 415 ILCS 5/28.2(e), the Illinois Environmental Protection Agency has certified that revisions to the Water Quality Standards are federally required. These proposed rules would establish implementation procedures specific to the Lake Michigan Basin to be as protective as the Final Water Quality Guidance for the Great Lakes System, published by the US EPA on March 23, 1995 (60 FR 15366), and codified at 40 CFR 9, 122, 123, 131 and 132, in advance of federal promulgation of such procedures.

In particular, these implementation procedures are derived from Appendix F to 40 CFR 132 that contains nine procedures. Procedure 1 controls site-specific modifications to Criteria and Values adopted by the Illinois Pollution Control Board ("Illinois PCB") that are subject to regulations of the Illinois PCB and are also not covered here. Procedure 2 controls variances from water quality standards that are also subject to regulations of the Illinois PCB and are also not covered here. Procedure 3 covers the procedure for determining the need for and amount of water quality based effluent limitations in National Pollutant Discharge Elimination System ("NPDES") permits based on evaluation of existing water quality and is contained in Subpart B of this Part 352. Procedure 4 controls and is calculated in Subpart C of this Part 352. Procedure 5 controls and is calculated in Subpart D of this Part 352. Procedure 6 controls the application of the water quality standard, criteria, or value and is contained in Subpart E of this Part 352. Procedure 7 controls the application of the Illinois PCB's prohibition of toxic effects from the whole effluent and is contained in Subpart F of this Part 352. Procedure 8 controls the imposition of land use on the total amount of a pollutant in a discharge and is contained in Subpart G of this Part 352. Procedure 9 controls the imposition of water quality based effluent limits that are below the measurement level and is contained in Subpart H of this Part 352. Procedure 10 controls compliance schedules for dischargers to the Lake Michigan Basin and is contained in Subpart I of this Part 352. In addition, Appendix E to 40 CFR 132 establishes an antidegradation policy that is under consideration by the Illinois PCB and antidegradation implementation procedures contained in Subpart J of this Part 352.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Does this proposed rule (amendment, repeal) contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statutory Policy Objectives: These proposed amendments are consistent with the policy objectives set out in title III of the Environmental Protection Act (415 ILCS 5/11(b)). The proposed revisions

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

to water quality standards impose a federal mandate on units of local government that discharge to the Lake Michigan Basin.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comment on this proposal for a period of 45 days from the date of publication in the Illinois Register. Comments should reference Great Lakes Initiative Part 352 and be addressed to:

Mr. Toby Frevert
Great Lakes Program
Bureau of Water Pollution Control
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not-for-profit corporations affected: Those small businesses, small municipalities, and not-for-profit corporations that depend on treated effluent for cooling water or wastewater in the Lake Michigan Basin will be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules require reporting, bookkeeping and other procedures including the taking of effluent and water samples, water analysis and reporting. The proposed amendments codify the way in which the Illinois Environmental Protection Agency determines effluent limits for dischargers to Lake Michigan.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of biologists, chemists and registered professional engineers.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Rules begins on the next page:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER 11: ENVIRONMENTAL PROTECTION AGENCY

PART 352

PROCEDURES FOR DETERMINING WATER QUALITY BASED PERMIT
LIMITATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM DISCHARGERS TO THE LAKE MICHIGAN BASIN

SUBPART A: INTRODUCTION

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352.101	Applicability
352.102	Purpose
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352.105	Relationship to Other Regulations
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352.200 Procedures for Establishing Permit Limitations for Discharges to
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Values

SUBPART C: ASSESSING HUMAN HEALTH IMPACTS OF MULTIPLE TOXIC
SUBSTANCES INCLUDING ADDITIVITY PROCEDURES FOR CHLORINATED
DIBENZO-P-DIOXINS AND CHLORINATED DIBENZOFURANS

352.300	Additivity for Combinations of Substances
352.302	Values for 2,3,7,8-TCDD Toxicity Equivalence Concentrations
352.303	Criteria for Consideration of Additivity for Nonthreshold Toxic Substances

SUBPART D: ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER
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352.401	Applicability and Exclusions
352.410	Data Requirements
352.412	Conversion Factors for Dissolved and Total Metals
352.421	Estimation of Projected Effluent Quality
352.422	Dilution Allowance
352.423	Calculation of Preliminary Effluent Limitation
352.424	Determination of Reasonable Potential
352.425	Intake Credits

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 352.430 Instances Requiring Effluent Limits, Other Conditions, or Additional Data
- 352.440 Special Provisions for Noncontact Cooling Water

SUBPART E: APPLICATION OF WHOLE EFFLUENT TOXICITY REQUIREMENTS

- 352.500 Procedures for Establishing Permit Limits and Special Provisions for the Potential to Exceed Determination
- 352.520 Whole Effluent Toxicity Data
- 352.530 Estimation of Projected Effluent Quality (PEQ)
- 352.540 Calculation of Preliminary Effluent Limitation (PEL)
- 352.550 Establishing Whole Effluent Toxicity Conditions

SUBPART F: MASS LOADING LIMITS

- 352.600 Mass Loading Limits

SUBPART G: EFFLUENT LIMITS BELOW THE LEVEL OF QUANTIFICATION

- 352.700 Water Quality Based Effluent Limits Below Detection or Quantification

SUBPART H: COMPLIANCE SCHEDULES

- 352.800 Compliance Schedules

SUBPART I: ANTIDegradation Provisions for Bioaccumulative Chemicals of Concern

- 352.900 Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 39(b) of the Environmental Protection Act [415 ILCS 5/11(b), 13 and 39(b)]

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 352.100 Introduction

This Part 352 contains Illinois Environmental Protection Agency (Illinois EPA or Agency) rules for the application of the Illinois Pollution Control Board (Illinois PCB) rules for the Lake Michigan Basin at 35 Illinois Admin. Code 302.Subparts A and E to the National Pollutant Discharge Elimination System (NPDES) permit program administered for discharges to the Lake Michigan Basin within the State of Illinois. These rules are required pursuant to the Final

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Guidance for the Great Lakes System, 60 FR 15366 adopted on March 23, 1995 by the United States Environmental Protection Agency (USEPA) to implement Section 118(c)(2) of the Clean Water Act (33 U.S.C. 1268) as amended by the Great Lakes Critical Programs Act of 1990 (P. L. 101-596, 104 Stat. 3000). That guidance identifies minimum water quality standards, antidegradation policies and implementation procedures that protect public health and the Great Lakes System to protect human health, aquatic life and wildlife. The water quality standards, criteria and value derivation procedures, variance and site specific rulemaking procedures and antidegradation procedures required under the Great Lakes Guidance and applicable to the Lake Michigan Basin, are contained in Illinois Pollution Control Board Rules. The implementation procedures required by that guidance are contained in this Part 352.

Section 352.101 Scope

The regulations in this Part 352 contain the procedures used by the Illinois Environmental Protection Agency to determine effluent limits and other conditions in NPDES permits. These regulations are cumulative with conditions, effluent limitations and other requirements established under the Illinois Environmental Protection Act [415 ILCS 5], regulations of the Illinois Pollution Control Board, the Federal Water Pollution Control Act (33 U.S.C. 1251) as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

Section 352.102 Applicability

The regulations in this Part 352 apply only to dischargers to the Lake Michigan Basin, as that term is defined at 35 Ill. Adm. Code 303.413. These regulations do not apply to wet weather discharges as that term is defined at 35 Ill. Adm. Code 302.501.

Section 352.103 Purpose

The purpose of this Part 352 is to establish implementation procedures that are consistent with (as protective as) Appendix E and Procedures 3, 4, 5, 6, 7, 8, and 9 of Appendix F to 40 CFR 132 (1996).

Section 352.104 Definitions

Terms used in this Part have the meanings specified in 35 Ill. Adm. Code 301.200 through 301.444 and 302.501. The following terms have the meanings specified:

"Agency" means the Illinois Environmental Protection Agency.

"Area of Concern" or "AOC" is an area specially designated for remediation efforts.

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"Bioaccumulative Chemicals of Concern" or "BCC" means a chemical or class of chemicals meeting the definition at 35 Ill. Adm. Code 304.501.

"Lake Michigan Lakewide Management Plan" or "Lamp" is a plan to manage the Illinois portion of Lake Michigan as approved by USEPA.

"Method Detection Level" is the minimum concentration of an analyte (substance) that can be measured and reported with a 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR 136.

"Minimum Level" or "ML" is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

"Outlier" is a test value that is not statistically valid under tests approved in 40 CFR 136.

"Quantification Level" is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.

"Pollutant Minimization Program" means a plan to achieve or maintain the goal of reducing contaminant discharges to below water quality based effluent limits.

"Preliminary Effluent Limitation" or "PEL" is an estimate of an allowable discharge taking into consideration mixing or dilution.

"Projected Effluent Quality" or "PEQ" is the amount of a contaminant estimated to be discharged by a facility or activity taking into account statistical analysis of the discharge or activity.

"Reasonable Potential Analysis" or "Reasonable Potential to Exceed" means the procedure to predict whether an existing or future discharge would cause or contribute to a violation of water quality standards, criteria or values.

"Total Maximum Daily Load" or "TMDL" is the sum of the individual wasteload allocations for point sources and load allocations for

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nonpoint sources and natural background, as more fully defined at 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.

"USEPA" means the United States Environmental Protection Agency.

"Waste Load Allocation" or "WLA" is the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined at 40 CFR 130.2(h). In the absence of a TMDL approved by EPA pursuant to 40 CFR 130.7 or an assessment and remediation plan developed and approved in accordance with procedure 3.A of Appendix F of 40 CFR 132, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

"Water Quality Based Effluent Limitation" or "WQBEL" is a limit imposed on a permit to that the applicable water quality standard, criteria or value is not exceeded outside of a designated mixing zone.

"Wet Weather Point Source" means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources shall include only: discharges of storm water from a municipal separate storm sewer as defined at 40 CFR 22.26(b)(8); storm water discharge associated with industrial activity as defined at 40 CFR 122.26(b)(14); discharges of storm water and sanitary wastewaters (domestic, commercial, and industrial) from a combined sewer overflow; or any other stormwater discharge for which a permit is required under section 402(p) of the Clean Water Act. A storm water discharge associated with industrial activity which is mixed with process wastewater shall not be considered a wet weather point source.

"Whole Effluent Toxicity" or "WET" means a test procedure that determines the effect of an effluent on aquatic life.

Section 352.105 Incorporations by Reference

- The Agency incorporates the following publications by reference: 40 CFR 136 (1996)
- This Section incorporates no future editions or amendments.

Section 352.106 Relationship to Other Regulations

Appendix F to 40 CFR 132 requires 9 specific permit procedures for which Great Lakes states must adopt consistent provisions. Procedures 1 and 2 of the Appendix requires procedures for site-specific modifications to standards,

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criteria and values and procedures for variances from water quality standards, criteria and values for point sources. These requirements are within the authority of the Illinois Pollution Control Board, not Illinois EPA, and therefore not contained in this Part. These procedures are at 35 Ill. Adm. Code Subtitle A, Chapter 1. Procedures 3 through 9 of the Appendix require specific procedures for permit issuance and are contained in Subparts B through H of this Part. Subpart I contains Agency permitting procedures related to the special antidegradation provision for bioaccumulative chemicals of concern at 35 Ill. Adm. Code 305-520.

SUBPART B: DISCHARGES TO WATERS NOT CURRENTLY MEETING WATER QUALITY STANDARDS, CRITERIA, OR VALUES

Section 352.200 Procedures for Establishing Permit Limitations for Discharges to Waters Not Currently Meeting Water Quality Standards, Criteria, or Values

Discharges tributary to any water body segment within the Lake Michigan Basin that contains a parameter that is known to exceed the ambient water quality standard for that parameter are listed on the list of impaired waters and on the Agency's list of impaired waters required by Section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)) and 40 CFR 130.7(b)(6) shall have limitations and conditions established by the Agency as follows:

- All specific provisions and limitations contained within the most recent adopted and USEPA approved Lake Michigan Lakewide Management Plan (LAMP) that apply to any discharge covered by the permit shall be considered for incorporation into the permit consistent with subsection (e) below.
- All requirements of a Remedial Action Plan (RAP) for an Area of Concern (AOC) applicable to the subject discharge shall be considered for incorporation into the permit consistent with subsection (e) below.
- Discharge limitations established through an approved Response Action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, shall be considered for incorporation into the permit consistent with subsection (e) below.
- Total Maximum Daily Loads (TMDLs) and Waste Load Allocations (WLA) shall be established through either the LAMP or a RAP for an Area of Concern (AOC) or RAP. TMDLs and WLAs shall be completed and adopted, and effluent limits shall be established consistent with the adopted provisions of this Part, including but not limited to additivity. Intake Pollutants, Loading Limits, Level of Detection/Level of Quantification, and Compliance Schedules. When calculation of TMDLs or a Waste Load Allocation is incomplete and it is expected that limits established through other provisions will be superseded upon completion of the TMDL or Waste Load Allocation process, said limits shall be identified as interim and the permit shall include a reopening clause triggered by completion of TMDL or WLA determination. Any new limits brought about through exercise of the reopening clause shall be

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eligible for delayed compliance dates and compliance schedules consistent with Subpart H of this Part.

e) Any provisions or limitations referred to in subsection (a), (b), (c), or (d) will be subject to public participation procedures under State and federal law before being incorporated into the permit, and appeal or judicial review procedures will be the same as with any other permit terms.

SUBPART C: ASSESSING HUMAN HEALTH IMPACTS OF MULTIPLE TOXIC SUBSTANCES INCLUDING ADDITIVITY PROCEDURES FOR CHLORINATED DIBENZO-P-DIOXINS AND CHLORINATED DIBENZOFURANS

Section 352.300 Additivity for Combinations of Substances

35 Ill. Adm. Code 302.990 establishes an acceptable additive risk level of one in 100,000 (10⁻⁵) for establishing Tier I criteria and Tier II values for combinations of substances exhibiting a carcinogenic or other nonthreshold toxic mechanisms. For those discharges containing multiple nonthreshold substances, application of this additive standard shall be consistent with Sections 352.302 and 352.303.

Section 352.302 Values for 2,3,7,8-TCDD Toxicity Equivalence Concentrations

- For discharges in the Lake Michigan basin containing one or more 2,3,7,7,8-substituted chlorinated dibenzo-p-dioxins or 2,3,7,8-substituted dibenzofurans, the 2,3,7,8-TCDD toxicity equivalence concentration (TEC(TCDD)) shall be determined as outlined in subsection (b).
- The values listed in this Table 1 shall be used to determine the 2,3,7,8-TCDD toxicity equivalence concentrations using the following equation:

$$(TEC(TCDD)) = \text{Sigma}(C(x) \text{ (TEF)}[x] \text{ (BEF)}[x])$$

where:

(TEC(TCDD)) = 2,3,7,8-TCDD toxicity equivalence concentration in

(C)[x] = effective concentration of total chemical x in effluent

(TEF)[x] = TCDD toxicity equivalence factor for x

(BEF)[x] = TCDD bioaccumulation equivalency factor for x

TABLE 1

Congener	TEF	BEF
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCDD	0.5	0.9

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1,2,3,4,7,8-HxCDD	0.1	0.3
1,2,3,6,7,8-HxCDD	0.1	0.1
1,2,3,7,8,9-HxCDD	0.1	0.1
1,2,3,4,6,7,8-HpCDD	0.001	0.05
2,3,7,8-TCDF	0.001	0.05
1,2,3,7,8-TCDF	0.05	0.2
1,2,3,4,7,8-TCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.08
1,2,3,6,7,8-HxCDF	0.1	0.2
1,2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.6
1,2,3,4,6,7,8-HpCDF	0.01	0.01
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.02

Section 352.303 Criteria for Consideration of Additivity for Nonthreshold Toxic Substances

Any combination of carcinogenic or otherwise nonthreshold toxic substances shall be assessed on a case by case basis. The Agency shall only consider such additivity for chemicals that exhibit the same type of effect and the same mechanism of toxicity, based on available scientific information that supports a reasonable assumption of additive effects.

SUPPORT D: ASSESSMENT OF REASONABLE POTENTIAL TO EXCEED WATER QUALITY

STANDARDS, CRITERIA, AND VALUES

Section 352.401 Applicability and Exclusions

The need for a WQBEL is based on the potential of a given parameter to cause or contribute to a violation of the applicable water quality standard, criteria, or value. In certain circumstances, this may entail application of a mixing zone to the discharge before comparing the effluent concentration of a substance to the water quality standard, criteria, or value. The Agency shall conduct an analysis of the reasonable potential for a given effluent to exceed or contribute to excursions above water quality standards that may occur in the receiving body during the NPDES permit review. This reasonable potential analysis is based on statistical analysis of the effluent and the following factors:

- Reasonable potential analysis is conducted on a parameter-by-parameter basis. Where a reasonable potential to exceed a water quality standard for a substance exists, the Agency does not imply that a reasonable potential for all parameters present in the effluent exists or that WQBELs for all parameters are required.
- The assignment of values for WQBELs is dependent on the application of dilution or mixing zones. The process used for permit review will be conducted in a stepwise approach with the first step being a direct

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comparison of the Projected Effluent Quality (PEQ) to the applicable water quality standard, criteria or value. If the PEQ is less than the applicable standard, criteria or value, the Agency will conclude that no potential to exceed exists, that the analysis for that parameter is completed and no WQBEL will be established in the permit unless the PEQ exceeds the applicable standard, criteria or value. The analysis shall proceed to consideration of mixing and dilution pursuant to Section 352.422.

- Exclusions from reasonable potential analysis. This procedure is a statistically based evaluation of the need for WQBEL for toxic substances within the scientific approaches to toxicity assessment contained within 40 CFR 9, 122, 123, 131, and 132. This procedure is either not amenable to or appropriate for certain pollutants and parameters included in the Lake Michigan Basin water quality standards at 35 Ill. Adm. Code 302. Subpart B. Therefore this procedure shall not be used to establish permit limits for the following substances:

Alkalinity
Ammonia
Bacteria
Chlorine
Color
Dissolved Oxygen
Dissolved Solids
pH
Phosphorus
Temperature
Total and Suspended Solids
Turbidity
Sulfate
Biochemical Oxygen Demand (BOD)
Radioactivity
Boron

Section 352.410 Data Requirements

For a particular application, reasonable potential analysis is primarily based on the effluent quality demonstrated by self-monitoring data, as required by the NPDES permit, or Agency-generated data, such as effluent sampling, facility-related stream studies, or whole effluent toxicity (WET) testing. Effluent data used in derivation of Projected Effluent Quality (PEQ) shall be selected to represent the concentration and variability of the pollutant in the discharge anticipated for the applicable permit term. The following criteria will be followed:

- The most recent five years of data shall be used unless the Agency determines that an alternative period better represents the time period for which effluent quality is being projected. Such

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alternative time periods may include but are not limited to shorter periods that reflect changed discharge characteristics resulting from changes in discharging activities or wastewater treatment systems.

b) Data outlines and other data resulting from detection, analysis or recording errors or non-repeatable plant operation or discharge conditions may be eliminated from the data.

Section 352.412 Conversion Factors for Dissolved and Total Metals

- a) The numeric standards for certain metal parameters in 35 Ill. Adm. Code 302.504 are established as dissolved forms of the substance since the dissolved form more closely relates to the toxicology literature utilized in deriving the standard. However, most discharge monitoring data used in deriving a PQQ will be from a total recoverable analytical method and permit limits if and when established will be set at total recoverable to accommodate the total recoverable analytical method. The Agency will use a conversion factor to determine the amount of total metal corresponding to dissolved metal for each metal with a water quality standard set at dissolved concentration. In the absence of facility specific data the following default conversion factors will be used for both PQQ derivation and establishing NPDES. The conversion factor represents the portion of the recoverable metal in the PQQ that is dissolved. The conversion factor values given in the following table are multiplied by the appropriate total recoverable metal concentration to obtain a corresponding dissolved concentration which then may be compared to the acute or chronic standard. A dissolved metal concentration may be divided by the conversion factor to obtain a corresponding total metal value which will generally be the metal form regulated in NPDES permits.

Metal	Conversion Factor	
	Acute Standard	Chronic Standard
Arsenic	1.000	1.000
Cadmium	0.850	0.850
Chromium (Trivalent)	0.316	0.860
Chromium (Hexavalent)	0.982	0.962
Copper	0.960	0.960
Mercury	0.850	0.850
Nickel	0.998	0.997

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- Selenium 0.922 0.922
- Zinc 0.978 0.986
- b) A permittee may propose an alternate conversion factor for any particular site specific application. The request must contain sufficient site specific data that is representative of the site, to identify a representative ratio of the dissolved fraction to the total recoverable fraction of the metal in the receiving body at the edge of the mixing zone. If a site specific conversion factor is approved, that factor will be used for PQQ derivation and establishment of a WQBEL in lieu of its default counterpart in subsection (a) above.

Section 352.421 Estimation of Projected Effluent Quality

- a) The first step in determining potential to exceed the water quality standard for any particular pollutant parameter is the estimation of the maximum expected effluent concentration for that substance. That estimation will be completed for both acute and chronic exposure periods and is termed the PQQ. The PQQ shall be derived from representative facility specific data to reflect a 95 percent confidence level for the 95th percentile value. These data will be presumed to adhere to a lognormal distribution pattern unless the facility can demonstrate a different distribution pattern. If facility specific data in the ratio of the standard deviation to the arithmetic average shall be calculated by the Agency. The PQQ is derived as the upper bound of a 95 percent confidence bracket around the 95th percentile value through a multiplier from the following table applied to the maximum value in the data set that has its quality assured consistent with Section 352.411 as appropriate for acute and chronic data sets.

No. Samples	PQQ = (maximum data point)(statistical multiplier)				
	0.1	0.2	0.3	0.4	0.5
1	1.4	1.9	2.6	3.6	4.7
2	1.3	1.6	2.0	2.5	3.1
3	1.2	1.5	1.8	2.1	2.5
4	1.2	1.4	1.7	1.9	2.2
5	1.1	1.3	1.6	1.8	2.1
6	1.1	1.3	1.5	1.7	2.0
7	1.1	1.2	1.4	1.6	1.8
8	1.1	1.2	1.4	1.5	1.7
9	1.1	1.2	1.4	1.5	1.7

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degree of treatment required by 35 Ill. Adm. Code 304.102(a), the PEQ derived under Section 352.421 shall be compared to a preliminary effluent limitation (PEL) determined by applying an appropriate mixing zone or a default mixing zone to the discharge. Mixing opportunity and dilution credit will be considered as follows:

- Discharges to tributaries of the Lake Michigan Basin shall be considered to have no available dilution for either acute or chronic exposures, and the PEL will be set equivalent to the water quality standard unless dilution is documented through a mixing zone study.
- Direct discharges to the Open Waters of Lake Michigan shall have a default mixing allowance of 2:1 for acute standards, criteria or values and 10:1 for chronic standards, criteria or values if the discharge configuration indicates that the effluent readily and rapidly mixes with the receiving waters. If ready and rapid mixing is in doubt the Agency shall deny any default dilution or mixing allowance and require a mixing or dispersion study to determine the proper dilution allowance. If the discharge applies for more than the default dilution or mixing allowance, it must submit a mixing or dispersion study to justify its request. Whenever a mixing or dispersion study is available, it shall be used to determine dilution or mixing allowance in lieu of the default allowance.

Section 352.423 Calculation of Preliminary Effluent Limitation

The PEL is calculated in a simple mass balance approach reflecting the dilution allowance established in Section 352.422:

$$WQS = [(Qe)(PEL) + (Qd)(Cd)] / [Qe + Qd]$$

or

$$PEL = [WQS(Qe + Qd) - (Qd)(Cd)] / Qe$$

where:

WQS = applicable water quality standard, criteria or value
 Qe = effluent flowrate
 Qd = allowable dilution flowrate
 Cd = background pollutant concentration in dilution water

Section 352.424 Determination of Reasonable Potential

- If the PEQ is less than the PEL, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit is not required for that contaminant. If the PEQ is greater than the PEL, the permittee must submit a permit assessment otherwise justified under 35 Ill. Adm. Code 352.430.
- If the PEL is less than or greater than the PEQ, and the PEQ was calculated using a data set of more than 10 values, a water quality based effluent limitation (WQBEL) will be included in the permit. If the PEQ was calculated using a data set of less than or equal to 10

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values, and the alternative PEQ calculated under Section 352.421(b) also exceeds the PEL, a WQBEL will be included in the permit.

- If the PEQ was calculated using a data set of less than or equal to 10 values, and the PEQ is equal to or greater than the PEL but the alternative PEQ is less than the PEL, the Agency will either establish a WQBEL in the permit or incorporate a monitoring requirement and schedule in the permit to ensure that the discharge does not exceed the permit limit. To the extent possible, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- The WQBEL will be set at the PEL, unless the PEL is appropriately modified to reflect credit for intake pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of Section 352.425.
- The reasonable potential analysis shall be completed separately for acute and chronic aquatic life effects. When WQBELs are based on acute impacts, the limit will be expressed as a daily maximum. When the WQBEL is based on chronic effects, the limit will be expressed as a monthly average. Human health and wildlife based WQBELs will be expressed as monthly averages. If circumstances warrant, the Agency shall consider alternatives to daily and monthly limits.

Section 352.425 Intake Credits

- 35 Ill. Adm. Code 304.105 provides that no effluent may cause or contribute to a violation of a water quality standard but Section 304.103 provides that it is not the intent of 35 Ill. Adm. Code 304 to clean up contamination caused by upstream sources or incidental traces of contaminants. If a discharge contains a toxic substance solely due to its presence in intake water from the same water body receiving the discharge, the Agency may determine there is no reasonable potential for that discharge to cause or contribute to an exceedance for that substance and therefore not establish a WQBEL in the permit. Agency application of such intake credits will be restricted to the following conditions:
 - The permittee withdraws 100% of the water comprising the discharge from the same body of water that receives the discharge.
 - The permittee does not contribute any additional mass of the identified intake toxic substance to its discharge.
 - The permittee does not alter the identified intake pollutant chemically, physically or in a manner that would cause adverse water quality impacts, except in a manner that would not occur if the substance were left in the water body.
 - The discharge does not result in an increase above the intake

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concentration at any applicable point below the discharge outside a mixing zone unless such increase does not cause an excursion above the applicable water quality standard, criteria or value.

- 5) The timing and location of the discharge would not cause adverse impacts to occur that would not occur if the substance were left in the water body.

b) If the source water contains a pollutant at a concentration in excess of an applicable water quality standard, criteria or value and there is some net addition of that parameter due to activities or operations of the permittee or source tributary to the discharge, the Agency will restrict intake credits to the following circumstances:

- 1) The Agency will establish permit limits allowing no greater discharge than the concentration and mass present in the intake water as a "no net increase limit".
- 2) Intake credit will only be allowed for that portion of intake pollutant loading present in source water withdrawn from the same body of water receiving the discharge. If any of the intake pollutant is removed through a water treatment process prior to withdrawal by the permittee, intake credit will be restricted to the concentration and mass emerging from the water treatment process.
- 3) Any permits incorporating "no net increase" provisions must include notice to the permittee that current federal guidance prohibits allowance of such limits after March 23, 2007. The permit need not include an expiration date at the time of issuance but must give fair warning that continuation in future permit renewals is questionable due to anticipated federal requirements. The sunset of "no net increase" allowances after March 23, 2007 is mandated in USEPA's Water Quality Guidance for the Great Lakes System, 60 FR 15366, March 23, 1995. The preamble to this guidance contains a commitment from USEPA to reconsider this requirement by March 23, 2002 with the possibility of extending or deleting this deadline.
- 4) If a facility's treatment system under proper operation and maintenance results in removal of the pollutant of concern, the Agency will establish effluent limits that reflect the lowest mass such treatment reduction of the pollutant achievable and feasible by such treatment.
- 5) The issuance of a permit incorporating "no net increase" provisions shall not affect or modify the requirement of 35 Ill. Adm. Code 304.103, that effluent standards in 35 Ill. Adm. Code 304 must be complied with without subtracting background concentrations, except that compliance with those standards is not required when effluent concentrations for the facility in excess of the standard result entirely from evaporation or incidental traces of materials not utilized or produced in the activity.

c) When, pursuant to 35 Ill. Adm. Code 352.425(a), the Agency declines to

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establish a WQBEL that would otherwise be warranted under other provisions of this Part, the permit shall contain criteria and sufficient data to demonstrate that the terms of subsection (a) of this Section are being maintained. Appropriate permit requirements may include influent, effluent and ambient monitoring, and a reopening clause authorizing modification or revocation and reissuance if new information demonstrates that intake credit is no longer justified.

Section 352.430 Instances Requiring Effluent Limits, Other Conditions, or Additional Data

The Agency will consider the following factors when determining whether further data needs to be gathered in order to decide if a reasonable potential to exceed water quality standards exists. These factors may also warrant inclusion of a permit limit for a substance or substances that do not display a reasonable potential to exceed through the analysis of Sections 352.420 through 352.425.

- a) The facility is subject to federal categorical limits under 40 CFR 405 through 471 for the substance.
- b) Quantities of the substance are present in the raw wastewater in significant quantities such that treatment at the facility is designed to remove that substance.
- c) A substance is discharged in quantities that are sufficient to warrant limits in the permit due to batch or highly variable waste generation processes wherein substances are potentially discharged intermittently or sporadically and therefore may avoid detection by intermittent sampling of the final effluent.
- d) The facility has a record of spill events involving certain substances and there is evidence that those substances are discharged in quantities that are sufficient to merit inclusion of permit limits.
- e) Historical information or the knowledge of Agency field inspectors indicate that a potential for discharge of a substance exists and there is evidence that the substance would be discharged in quantities sufficient to merit inclusion of permit limits.

Section 352.440 Special Provisions for Noncontact Cooling Water

Notwithstanding the other provisions of this Part, the Agency will not impose WQBELs for a discharge solely of cooling water from noncontact cooling water withdrawn entirely from the body of water receiving the discharge, except in accordance with the following:

- a) The Agency may require a WQBEL based on an acute aquatic criterion for a substance of acute whole effluent toxicity when information is available indicating that such a limit is necessary to protect aquatic life, unless the discharger is able to demonstrate that the presence of the substance or WGR is due solely to its presence in the intake water.
- b) If a substance is present at elevated levels in the noncontact cooling

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water wastestream due to improper operation or maintenance of the cooling system, and this substance is or may be discharged at a level that will cause or contribute to an excursion above a numeric standard, criterion or value for a toxic substance as determined under this Part, a WQBEL shall be established for that substance.

c) If the permittee uses or proposes to use additives in the noncontact cooling water, the additives shall be evaluated using the reasonable potential procedures of this Part to determine whether WQBELs are necessary for the wastestream.

d) If the noncontact cooling water is blended with other wastestreams prior to final discharge, the provisions of this Section are not applicable to the blending process. Wastestreams from any permittee that are blended with the noncontact cooling water shall include internal monitoring points or other appropriate methods to assess compliance prior to blending.

SUBPART E: APPLICATION OF WHOLE EFFLUENT TOXICITY REQUIREMENTS

Section 352-500 Procedures for Establishing Permit Limits and Special Provisions for Potential to Exceed Determination

35 Ill. Adm. Code 302.540 prohibits the presence of a substance or combination of substances that produces an acute or chronic aquatic life toxic conditions at any applicable location within any water body of the Lake Michigan Basin. The "combination of substances" terminology includes effluent discharges. Except as provided through the mixing zone regulations of 35 Ill. Adm. Code 302.102, this toxicity standard applies at all points within the Lake Michigan Basin. The Agency shall apply the aquatic life toxicity standard to whole effluents as follows:

a) No effluent shall cause an exceedance of 0.3 acute toxicity unit (TUA) outside the Zone of Initial Dilution (ZID) issued pursuant to 35 Ill. Adm. Code 302.102(e); except that no acute whole effluent toxicity permit limit shall be more restrictive than 1.0 TUA at the point of discharge.

b) No effluent shall cause an exceedance of 1.0 chronic toxicity unit (TUC) in any waters of the Lake Michigan Basin except as provided in the mixing zone provisions of 35 Ill. Adm. Code 302.102 and 302.530.

Section 352-520 Whole Effluent Toxicity Data

When assessing reasonable potential to exceed, WET data shall be characterized consistent with the following:

a) When multiple acute toxicity values for individual species are available for a single day, those values shall be averaged to represent one daily value. The maximum of all representative daily values for the most sensitive species tested shall be used for determination of potential to exceed the acute toxicity standard.

b) When multiple chronic toxicity values for individual species are

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available for a single calendar month, those values shall be averaged to represent one monthly value. The maximum of all representative monthly values for the most sensitive species tested shall be used for determination of reasonable potential to exceed the chronic toxicity standard.

c) When there is insufficient WET data to adequately characterize the toxicity of the effluent to aquatic life, in lieu of a WET limit the Agency will include one or both of the following provisions in the permit:

- 1) WET testing requirements to generate sufficient data to adequately characterize the toxicity of the effluent;
- 2) A permit reopening clause which authorizes the Agency, based upon the results of the WET tests required under subsection (c)(1), to establish additional reduction evaluation requirements, or WET limits, both if necessary to meet the toxicity standard and a compliance schedule if appropriate.

Section 352-530 Estimation of Projected Effluent Quality (PEQ)

A minimum of five representative toxicity tests is necessary to calculate a PEQ. If less than five test results are available and there is evidence that effluent toxicity may exist, additional toxicity testing shall be required consistent with Section 352-520(c). Whenever sufficient data exists, the PEQ is estimated to be the maximum representative value determined from Section 352-520(a) and (b), expressed in terms of acute and chronic toxicity units (TUA & TUC) increased by a multiplying factor from the table in Section 352.421. If more than 10 facility specific data values are available, and the PEQ is more than either 1.0 TUA or 1.0 TUC, the Agency will proceed to consideration of dilution and mixing under Section 352-540 for the relevant effect (acute, chronic, or both). If less than 10 facility specific data values are available, and the PEQ is more than either 1.0 TUA or 1.0 TUC, the Agency will proceed to Section 352-540 for the relevant effect (acute, chronic, or both). If the PEQ is less than or equal to 1.0 TUA or 1.0 TUC, no further action is required. For the purposes of this section, the PEQ shall be less than or equal to 1.0 TUC, no WET limit will be established in the permit for the relevant standard.

Section 352-540 Calculation of Preliminary Effluent Limitation (PEL)

If the PEQ is more than either 1.0 TUA or 1.0 TUC, or as otherwise provided in Section 352-530, the Agency will determine eligibility for a dilution allowance consistent with Section 352.422. The preliminary effluent limitation (PEL) expressed in terms of acute and chronic toxicity units (TUA and TUC) shall be calculated pursuant to Section 352.423. Unless there is data indicating otherwise, the pollutant concentration in the effluent (Ce) will be assumed to be zero.

Section 352-550 Establishing Whole Effluent Toxicity Conditions

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- a) If the PQO derived from Section 352.430 is less than the PEL calculated in Section 352.540, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit limit will not be set unless otherwise justified under one or more provisions of Section 352.430.
- b) If the PQO is equal to or greater than the PEL, and more than 10 facility specific data values were used in deriving the PQO, either a whole effluent toxicity limit will be incorporated into the permit or the causative toxic substances will be limited consistent with Subpart D of this part.
- c) If 10 or fewer data values were used in deriving the PQO, the Agency will calculate an alternative PQO, using the method specified in Section 352.421(b). If the alternative PQO is greater than the PEL, appropriate limits will be incorporated into the permit, as in the situation where more than 10 data values are available. If the alternative PQO is less than or equal to the PEL, the Agency will either establish appropriate limits in the permit or incorporate a monitoring and treatment requirement clause to reassess the potential for exceeding the PEL. The Agency will determine the need for determining which of these options to use in any individual application. The Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- d) It is the preference of the Agency to limit the individual toxic substances producing the toxicity whenever they can be identified. Therefore whole effluent toxicity limits will not be imposed whenever the toxicity can be resolved by regulating individual substances. If, however, a WET limit is necessary, the limit will be set at the PEL calculated pursuant to Section 352.540. If compliance cannot be achieved upon permit issuance, the permit may also include requirements for a toxicity reduction evaluation program, interim discharge limits and a compliance schedule.

SUBPART F: MASS LOADING LIMITS

Section 352.600 Mass Loading Limits

Whenever a water quality based effluent limitation (WQBEL) is established in a permit, the WQBEL shall be expressed as both a concentration value and a corresponding mass loading rate.

- a) Both mass and concentration limits shall be based on the same permit averaging periods such as daily or monthly averages, or in other appropriate permit averaging periods.
- b) The mass based WQBEL shall be calculated using effluent flow rates that are the same as those used in establishing the concentration-based WQBEL.
- c) Mass load limits are not required for parameters which cannot be

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appropriately expressed in terms of mass as listed below:

- pH
- temperature
- radiation
- bacteria
- dissolved oxygen
- d) Discharges that are subject to substantial flow variation such as wet weather flows or varied production schedules may have mass limits established in a tiered fashion coinciding with different flow regimes. Typically two tiered mass limits will be established. One set shall be based on dry-weather effluent flowrate and the appropriate stream design flow. The second mass limit shall be based on effluent and stream flowrates representative of wet weather conditions.

SUBPART G: EFFLUENT LIMITS BELOW THE LEVEL OF QUANTIFICATION

Section 352.700 Water Quality Based Effluent Limits Below Detection or Quantification

- a) When a WQBEL for a toxic substance is calculated to be less than the quantification level, the permit shall include a discharge limit, analytical method and quantification level consistent with the following:
 - 1) The permit shall include the WQBEL as calculated.
 - 2) The permit shall specify the most sensitive applicable analytical method contained in or approved under 40 CFR 136, or other appropriate method if one is not available under 40 CFR 136. The analytical method specified in the permit shall be the method used for compliance assessment including enforcement actions.
 - 3) The permit shall also identify the quantification level that can be achieved with the method specified pursuant to subsection (a)(2). That quantification level shall be the minimum level (ML) specified in or approved under 40 CFR 136 for the selected method for the toxic substance. If no such ML exists, or if the quantification level shall be the lowest quantifiable level practicable in determining the practicability of a method, the permit shall consider the practicability of the identified detection level by competent commercial laboratories.
 - 4) A higher quantification level may be established if demonstrated to be appropriate due to effluent-specific matrix interference. The Agency may consider alternative analytical methods for deriving quantification levels if those methods are demonstrated to be scientifically defensible.
- b) The permit shall include a condition requiring the permittee to develop and conduct a pollutant minimization program (PMP) for each pollutant with a WQBEL below the quantification level, unless the permittee can demonstrate that an alternative technique is adequate to

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assess compliance with the WQBEL. The goal of the PMP shall be to attain and maintain the discharge at or below the WQBEL. The PMP shall include but is not limited to the following:

- 1) An annual review of potential sources of the toxic substance;
 - 2) Periodic monitoring as necessary in order to assess progress toward the goal of the PMP;
 - 3) Implementation of appropriate cost-effective control measures at the earliest practicable time after sources are identified; and
 - 4) Submittal of an annual, unless otherwise specified in the permit, status report containing all minimization program monitoring results of the reporting period, a listing of potential sources of the toxic substance, a summary of all actions and control measures taken to reduce or eliminate the identified sources of the toxic substance and an overview of anticipated future steps in the PMP.
- c) The permit may contain a condition requiring fish tissue monitoring, other bio-update sampling, facility sludge monitoring, or a combination of such sampling as necessary to assess the progress of the PMP.
- d) Compliance with a WQBEL below the quantification level for that reporting period is less than the Quantification level and during that reporting period the permittee is in compliance with all provisions of the PMP developed pursuant to subsection (b).
- e) The permit shall contain a reopening clause providing for subsequent modification or revocation and reissuance of the permit as warranted by the results of the PMP pursuant to subsection (b), or the availability of new or alternative analytical methods. Such modification or reissuance may accommodate more or less frequent monitoring, alternative analytical method and quantification level if appropriate consistent with subsection (a)(3), and modification or removal of the PMP.

SUBPART H: COMPLIANCE SCHEDULES

Section 352.800 Compliance Schedules

Section 39(b) of the Environmental Protection Act [415 ILCS 5/39(b)] and 35 Ill. Adm. Code 309.148 authorize the Agency to establish schedules of compliance in NPDES permits for a number of circumstances, including a discharge that is not in compliance with applicable water quality standards. NPDES permits with compliance schedules within the Lake Michigan Basin shall be issued according to the following procedures:

- a) Delayed compliance dates may be included for new discharges within the basin. Permits issued on or after the effective date of this Part shall contain a water quality based effluent limit (WQBEL) shall require compliance with the WQBEL upon commencement of the discharge.
- b) Any existing permit reissued or modified after the effective date of

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this Part that contains a new or more restrictive WQBEL, shall allow a reasonable period of time, up to five years after the date of permit issuance or modification, for the permittee to comply with that limit.

c) If the compliance schedule established under subsection (b) extends beyond one year after the date of permit issuance or modification, the schedule shall set forth interim requirements and dates for their achievement as appropriate.

- d) Whenever a WQBEL for a toxic substance based on a Tier II value is derived pursuant to 35 Ill. Adm. Code 302.563 or 302.570(d) is included in a reissued or modified permit for an existing discharge, the permit shall provide a reasonable period of time, up to two years, to acquire additional data necessary to develop a Tier I criteria or to modify the Tier II value. In such cases, the permit shall require compliance with the Tier II limitation within a reasonable period of time, consistent with subsections (e) and (f) below and contain a reopening clause consistent with subsection (e).
- e) The reopening clause referenced in subsection (d) shall authorize the permittee to request additional data be made available during the time allowed which demonstrates that a revised WQBEL is appropriate. The revised WQBEL shall be incorporated through permit modification and a reasonable time period, up to five years after the date of permit modification, shall be allowed for compliance. If incorporated prior to the compliance date of the original Tier II limitation, any such revised limit shall not be considered less stringent for purposes of the anti-backsliding provisions of Section 402(o) of the Clean Water Act.

- f) If a revised WQBEL is not demonstrated to be appropriate during the time period allowed to collect additional data and derive a Tier I criteria or revised Tier II value, the Agency may provide a reasonable additional period of time, not to exceed five years after the end of the data collection period, to achieve compliance with the original effluent limitation.

SUBPART I: ANTIDEGRADATION PROVISIONS FOR BIOACCUMULATIVE CHEMICALS OF CONCERN

Section 352.900 Antidegradation Provisions for Bioaccumulative Chemicals of Concern (BCCs)

Whenever a new or increased loading of any BCC is proposed from an existing or new facility or activity, either point or nonpoint source, that is subject to NPDES permitting, Clean Water Act Section 401 water quality certification, or Lake Michigan dredge and fill permits under Section 39(n) of the Illinois Environmental Protection Act [415 ILCS 5/39(n)], the Agency shall require an antidegradation demonstration. Exceptions to this requirement include:

- a) Changes in loading of a BCC within the existing capacity and processes that are covered by the existing permit including but not limited to:
 - 1) Normal operational variability including but not limited to: intermittent increased discharges due to wet weather conditions;

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- 2) Changes in intake water pollutants not caused by the discharger;
- 3) Increasing the production hours of the facility;
- 4) Increasing the rate of production of the facility;
- b) New listing of discharges, including discharges of pollutants that are not the result of changes in pollutant loading, and will not allow an increase in pollutant loading, including new limits that are a result of the following:
- 1) New or improved monitoring data;
 - 2) New or improved analytical methods;
 - 3) New or modified water quality criteria or values;
 - 4) New or modified effluent limitations guidelines, pretreatment standards, or control requirements for POTWs.
- c) Those actions listed in 35 Ill. Adm. Code 302.512(c), if determined to be exempt by the Agency, including:
- 1) Short term, temporary consisting of weeks or months lowering of water quality;
 - 2) Bypasses that are not prohibited at 40 CFR 122.41(m); and
 - 3) Response actions pursuant to the Comprehensive Environmental Response and Liability Act (CERCLA), as amended, or similar Federal or State authority undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants which may pose an imminent and substantial danger to public health.
- d) An entity seeking new or increased loading allowance for a BCC into the Lake Michigan Basin must complete and submit an antidegradation demonstration adequate to substantiate the important economic or social development expected to result and to specify the pollutant minimization plan to accompany any allowable increase in BCC loading for Agency review. The Agency will consult with such entities regarding the scope of the demonstration if requested. A demonstration will address the following elements pertaining to anticipated important economic and social development:
- 1) The extent to which employment will be increased in the area;
 - 2) The extent to which production levels will increase in the area;
 - 3) The extent to which the proposed change will avoid otherwise anticipated reduction in employment or production levels;
 - 4) The extent to which the activity will be providing economic or social benefit to the area;
 - 5) The extent to which the activity will be correcting an environmental or public health problem.
- e) The Agency will consider the economic and social benefits of the BCC and include a comprehensive assessment of pollution prevention alternatives and alternative or enhanced treatment techniques. This analysis and any other relevant information will form the basis for a pollutant minimization plan to accompany any permissible increased loading allowance.
- f) If the Agency tentatively determines that increased BCC loading is allowable pursuant to 35 Ill. Adm. Code 302.520(a), such

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determination, including any conditions of the allowance such as but not limited to pollutant minimization steps, monitoring and reporting requirements, and the use of the allowance, and the facility fully described and subject to the public notice provisions of 35 Ill. Adm. Code 309 for NPDES permits, 35 Ill. Adm. Code 395 and the federal procedures established for the issuance of Clean Water Act Section 404 permits, or the procedures of Section 18 of the Rivers, Lakes and Streams Act [615 ICS 5/18] for permits under Section 39(n) of the Illinois Environmental Protection Act (415 ICS 5/39(n)). Final Final action that would approve increased BCC loading shall not be taken until completion of the public participation process.

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1) **Heading of the Part:** Riverboat Gambling

2) **Code Citation:** 86 Ill. Adm. Code 3000

3) **Section Numbers:** Proposed Action:
 3000.100 Amend
 3000.150 Amend
 3000.220 Amend
 3000.221 New
 3000.405 Amend
 3000.410 Amend
 3000.600 Amend
 3000.660 Amend
 3000.1070 Amend
 3000.1125 Amend
 3000.1126 Amend

4) **Statutory Authority:** Riverboat Gambling Act (230 ILCS 10)

5) **A Complete Description of the Subjects and Issues Involved:** The proposed amendments revise the definitions of "junketeer" and "Riverboat Gaming Operations" and add a definition of "Marketing Agent". The purpose of the amendments is to add definitions and provisions pertaining to junketeers and marketing agents in order to allow certain agents to retain their right and the burden and cost of supplier licensure while retaining regulatory oversight where needed and meaningful. A number of technical amendments are proposed, including clarifying references to Business Entity Forms, Marketing Agent Forms, Institutional Investor Disclosure Forms, and Trust Forms. Other technical amendments provide for refusal of hearing officers in case of bias or conflict of interest, require hearing officers to be attorneys, and specify that a final administrative decision occurs when the Board denies a request for hearing or no answer to a complaint is filed. The amendment to Section 3000.410 deletes the provision that purports to authorize a hearing officer to permit a person to appear as an attorney who is not licensed to practice in Illinois. The amendments also authorize match play coupons in table games, allow machine generated jackpot payout tickets in numeric form, and prohibit use of currency for the payment of tips and gratuities to dealers.

6) **Will this rulemaking replace any emergency amendments currently in effect?**

No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other proposed rulemakings pending on this Part?** No

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10) **Statement of Statewide Policy Objectives:** This rulemaking does not affect units of local government.

11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Any person may submit comments in writing concerning this proposed rulemaking by no later than 45 days after publication of this notice to:

Mareile B. Cusack
 Chief Counsel
 Illinois Gaming Board
 160 N. La Salle, Suite 300S
 Chicago, IL 60601
 (312) 814-4709

12) **Initial Regulatory Flexibility Analysis:**

- A) **Types of small business, small municipalities and not for profit corporations affected:** This rulemaking will not affect small business, small municipalities, or not for profit corporations.
- B) **Reporting, bookkeeping, or other procedures required for compliance:** None
- C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** Part of this rulemaking was summarized in the January 1997 regulatory agenda. Other technical amendments and industry suggestions were not anticipated in time for publication in the most recent regulatory agendas.

The full text of the proposed amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

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3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.110	Disciplinary Actions
3000.115	Records Retention
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3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job-Applicants
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3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

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3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.230	Owner's Licenses
3000.231	Distributions
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.280	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices

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3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

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3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR
PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.430	Proceedings
3000.435	Precluded Parties
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.440	Status of Applicant for License or Transfer Upon Filing Request for Hearing
3000.445	

SUBPART E: EXCURSIONS

Section	
3000.500	Time of Excursion
3000.510	Excursions During Cancelled or Disrupted Cruises; Violations and Fines

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.602	Authorized Post Games
3000.606	Game Position
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices

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3000.614 Tournaments, Enhanced Payouts and Give-aways
 3000.615 Payout Percentage for Electronic Gaming Devices
 3000.616 Cashing-In
 3000.617 Submission of Chips for Review and Approval
 3000.620 Chip Specifications
 3000.625 Primary, Secondary and Reserve Sets of Gaming Chips
 3000.626 Distribution of Chips for Gaming
 3000.636 Distribution of Chips for Complimentary Chips and Tokens
 3000.640 Exchange of Chips and Tokens
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.650 Inventory of Chips
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 3000.660 Minimum Standards for Electronic Gaming Devices
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 3000.666 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

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 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.725 Duty of Licensees
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SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Riverboat and Board Surveillance Room Requirements
 3000.820 Segregated Telephone Communication
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SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commission
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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Section
 3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Annual Financial and Statistical Records
 3000.1030 Standard and Special Audits and Other Reporting Requirements
 3000.1030 Accounting Controls Within the Cashier's Cage
 3000.1040 Procedures for Exchange of Checks Submitted by Gaming Patrons and
 3000.1050 Accounting Records
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Deposits of Admission Tax and Wagering Tax
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SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

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 3000.1100 Coverage of Subpart
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 3000.1110 Board Action Against License or Licensee
 3000.1115 Complaint
 3000.1120 Appearances
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 3000.1135 Motions for Summary Disposition
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 3000.1140 Proceedings
 3000.1145 Evidence
 3000.1146 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act (230 ILCS 101).

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

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For purposes of these Rules the following terms shall have the following meanings:

- "Act": The Riverboat Gambling Act. [230 ILCS 10]-
- "Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.
- "Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.
- "Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through his or her spouse, partner, child, or other person, or through a plan, arrangement or agreement.
- "Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency, validates the currency, stores the currency, and issues Electronic Credits equal to the value of currency inserted into the device.
- "Board": The Illinois Gaming Board.
- "Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.
- "Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's License for use on a gaming device other than an Electronic Gaming Device on such holder's Riverboat or Riverboats.
- "Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.
- "Dependent": Any individuals who received over half of his support in a calendar year from any other individual.
- "Electronic Card": A card purchased from a holder of an Owner's License for use on that holder's Riverboat Gaming Operation as

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a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

- "Electronic Credit": A value owed to a patron on an Electronic Gaming Device.
- "Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.
- "Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency collected from the Bill Validator drop box.
- "Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid Jackpots minus hopper fills.
- "EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.
- "Excluded person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of these rules.
- "Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Gaming administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.
- "Game": A gambling activity which is played for money property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.
- "Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.
- "Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the

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result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices; machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license to be used for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity who is compensated depending on how much a patron actually either wagers or loses on or in a Game, but the potential amount a patron will wager or lose.

"Key Person":

For a publicly-held Business Entity subject to the Act, "Key Person" shall mean an officer; director; trustee; partner; managing agent; holder of any direct, indirect or beneficial ownership interest of 5% or more of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

For other than a publicly-held Business Entity subject to the Act, "Key Person" shall mean an officer; director; trustee; partner; managing agent; holder of any direct, indirect or

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beneficial ownership interest of a licensee or other entity subject to the Act; and any person identified by the Board as a person able to control or exercise significant influence over the management or operating policies of a licensee or other entity subject to the Act.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device upon which Gaming is conducted, which is used in a Game, but is not limited to, pushers, pinball machines, slot machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a Junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and securing patrons.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Payout": Winnings earned on a wager.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat Gaming Operation": The owner, licensee, Gaming Operations Manager, or, as the context requires, the holder of the license for the conducting of Gaming and all related activities, including without limitation the purveying of

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- 4) Occupation License, Level 2, Personal Disclosure Form 2.
- 5) Occupation License, Level 3, Personal Disclosure Form 3.
- b) Additional or Different Forms or Materials. An applicant may be required to submit forms or materials in addition to those listed in subsection (a).
- c) Application Procedures
 - 1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss which may occur in connection with the application process.
 - 2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.
 - 3) Application forms and requested materials shall be submitted in triplicate. Application forms and requested materials for Owner's and Supplier's license licenses shall be submitted in bound form.
 - 4) Applicants for Occupation licenses licenses shall be photographed and fingerprinted at the time of application at a place designated by the Gaming Board.
 - 5) Application forms shall be deemed filed when the completed application forms, including all required documents and materials, and the application fee have been submitted.
- d) Amendments and Incorporation by Reference
 - 1) An application may be amended only upon leave of the Board.
 - 2) The Board may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.
- e) Withdrawal of Applications.
 - 1) An Owner's or Supplier's application may be withdrawn only upon leave of the Board.

- A) A request for leave to withdraw an application for an Owner's license shall not be considered by the Board unless received prior to Board action regarding a finding of preliminary suitability under Section 300.230(c). However, applicants who have been found preliminarily suitable may seek leave to withdraw after such finding.
- B) Supplier's license shall not be considered by the Board unless received prior to Board action on license under Section 300.240.
- C) The Board may deny leave to withdraw an Owner's or Supplier's application if it determines that withdrawal of the application would not be in the best interests of the public and the Gaming industry.
- 2) If an application for an Owner's or Supplier's license license is withdrawn, the applicant may not reapply for a license within one (1) year from the date withdrawal is granted, without leave of the Board.

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- 3) Applications for Occupational licenses may be withdrawn without leave of the Board if written notification of withdrawal is received prior to Board action on license under Section 300.245 and unless the intended withdrawal is objected to by the Administrator in which case leave of the Board is required.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 300.221 Other Required Forms

- a) Marketing Agent Forms. The holder of an Owner's license shall complete and submit a Marketing Agent Form provided by the Board, or the information requested therein, to the Board for each Marketing Agent with whom it intends to do business.
- b) Institutional Investor Disclosure Form. Institutional investors are required to submit the Institutional Investor Disclosure Form as provided under Section 300.234.
- c) Trust Identification and Disclosure Forms. Key Persons of applicants for licenses of Owners or Suppliers of licenses and applicants for or holders of Occupation licenses shall submit the applicable Trust Identification Form and Trust Disclosure Form for trusts, excluding land trusts, for which they are a grantor, trustee or beneficiary.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section 300.405 Requests for Hearings

- a) All requests for hearings must:

- 1) be in writing;
- 2) state the name, current address and current telephone number of the petitioner; and the reasons why and the facts upon which the petitioner relies to show, in cases involving licensing or transfer of ownership, that the petitioner is entitled to a license or transfer, including specific reasons stated for each enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why he should not be excluded. In matters involving restriction of license the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted.

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- 4) All requests for hearings must be verified. Such verification shall be notarized and shall include a certification in the following form:
- The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.
- a) A request for hearing must be submitted within five days after the date of delivery of the Notice of Denial or Restriction of license. The request for hearing must be submitted within 30 days after the date of delivery of Notice of Exclusion.

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notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3000-410 Appearances

- a) A petitioner may be represented by an attorney who is licensed in Illinois. All attorneys who appear in a representative capacity on behalf of a petitioner must file written notice of appearance setting forth:
- 1) The name, address and telephone number of the attorney(s);
 - 2) The name and address of the petitioner represented; and
 - 3) An affirmative statement indicating that the attorney is licensed in Illinois.

SUBPART F: CONDUCT OF GAMING

Section 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards

1. Except as provided in subsection (b) of this Section, Riverboat Gaming Wagers may be made only with Chips, Tokens or Electronic Cards approved by the Administrator and purchased from a holder of an Owner's license license. Such Chips, Tokens or Electronic Cards may

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NOTICE OF PROPOSED AMENDMENTS

only be used as set forth in the owner licensee's Internal Control System. At the patron's option, Electronic Credits may either be used as a Wager on an Electronic Gaming Device or be withdrawn in the form of Tokens from the Electronic Gaming Device.

- b) Riverboat Gaming Wagers may be made with match play coupons issued by the holder of an Owner's license and approved by the Administrator. Such match play coupons may only be used in conjunction with the Wager of a Chip as set forth in the owner licensee's Internal Control System.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3000.660 Minimum Standards for Electronic Gaming Devices

- a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than 80%, nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

- b) Electronic Gaming Devices shall:

- 1) Be controlled by a microprocessor or the equivalent;
- 2) Be compatible to on-line data monitoring;
- 3) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM;
- 4) Be able to continue a Game with no data loss after a power failure;
- 5) Have previous and current Game data recall;
- 6) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous play;
- 7) Have a random outcome, the amount wagered, or upon the style or amount of play;
- 8) Clearly display applicable rules of play and the payout schedule;
- 9) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;
- 10) Have a complete set of nonvolatile meters including Tokens-in, Tokens-out, Tokens dropped and jackpots paid;
- 11) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes; and
- 12) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage.

- c) When an Electronic Gaming Device is unable to drop sufficient Tokens for payment of jackpots requiring the payment to be made by the

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Riverboat, Jackpot payout tickets must be prepared containing the following information:

- 1) The location of the Electronic Gaming Device;
- 2) The date;
- 3) The time of day;
- 4) The Electronic Gaming Device number;
- 5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;
- 6) The signature of the holder of an Owner's license license or Riverboat Gaming Operation employee making the payment; and
- 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.

- d) Electronic Gaming tickets to any Progressive Jackpot system shall meet the following specifications:

- 1) The value of a Progressive Jackpot shall be clearly displayed incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall contain EPROMs with identical Theoretical Payout Percentage;
- 2) A Progressive Jackpot may be transferred to another Progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
- 3) A holder of an Owner's license license may impose a limit on the Progressive Jackpot jackpot of an Electronic Gaming Device which shall be limited to any Progressive Controller as long as the limit is not less than the progressive jackpot amount as the limit is shown on any Progressive Electronic Gaming Device; and
- 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:

- A) The amount shown on the progressive meter is paid to a player as a jackpot;
- B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and
- C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data

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SYSTEMS:

- 5) A holder of an Owner's license licensee who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART J: OWNERSHIP AND ACCOUNTING RECORD AND PROCEDURES

Section 3000.1070 Tips or Gratuities

- a) No dealer gaming-employee shall accept currency as a tip or gratuity from any Riverboat Gaming Operation Key Person, boxperson, floorperson or other employee who serves in a supervisory position shall accept any tip or gratuity from any player or patron of the Riverboat Gaming Operation where he is employed. No Riverboat Gaming Operation Key Person or employee shall solicit any such tip or gratuity. The holder of an Owner's license shall not permit any practices prohibited by subsection (a) above.

- c) All tips and gratuities given to dealers shall be:

- 1) Immediately deposited in a transparent locked box reserved for that purpose, except that:

- A) One dollar Chips received as tips shall be either immediately deposited into the transparent locked box or permanently placed on the top of the Gaming table. Once the Chip tube is full, the floorperson shall witness the exchange of the one dollar Chips for a higher denomination Chip from the Chip rack. The higher denomination Chip will be immediately deposited into the transparent locked box and the one dollar Chip shall be immediately deposited into the transparent locked box and the one dollar Chip shall be immediately deposited into the transparent locked box.

- B) If Non-Value Chips are received at a roulette table, the marker button indicating their specific value shall not be removed from the slot or receptacle attached to the outer rim of the roulette wheel until after a dealer in the presence of a supervisor has converted them into Value Chips which are immediately deposited in a transparent locked box reserved for the purpose;

- 2) Accounted for by a recorded count conducted by a randomly selected dealer and a randomly selected non-gaming employee;

- 3) Placed in a pool for pro rata distribution among the designated employees. Tips or gratuities from this pool shall be deposited

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into the holder of an Owner's license's payroll account. Distributions from this pool shall be made following the holder of an Owner's license's license's payroll accounting practices and shall be subject to all applicable state and federal withholding taxes.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section 3000.1125 Answer

- a) Service of Answer

Within twenty-one days from the date of service of the complaint, the licensee shall file his answer by serving copies thereof on the Administrator and Chief Legal Counsel at either the Board's Springfield or Cook County Office. Service may be made by personal delivery, registered mail, certified mail, or overnight express mail. An answer shall be deemed filed if it is postmarked, or if personally delivered, the date on which it is postmarked. No answer shall be deemed filed if it fails to comply with the requirements of this Section. If an answer is not filed within 21 days from the date of service of the complaint, the order or action of the Board becomes a final decision.

- b) Answer shall include:

- 1) An admission or denial of each factual allegation in the statement of facts in the complaint; and
2) If the licensee denies any of the factual allegations, a revised statement of the denied factual allegations as he believes them to be true.

- 3) All answers must be verified. Such verification shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this answer are true and correct, except as to matters therein stated on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 3000.1126 Appointment of Hearing Officer

- a) The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a

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hearing in accordance with this Subpart. If designated, the Administrator may appoint an Administrative Law Judge to conduct a hearing in accordance with this Subpart.

- b) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may move to disqualify the assigned Administrative Law Judge. A prior adverse ruling or rulings against the petitioner or its representative in another matter or matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory proof submitted by the petitioner in support of the motion to disqualify, the Administrative Law Judge shall immediately recuse himself or herself from the proceeding and submit the case to the Board for reassignment.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: The Taking of Wild Turkeys - Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) Section Numbers:
 Proposed Action:
 710.10 Amendments
 710.20 Amendments
 710.22 Amendments
 710.28 New Section
 710.30 Amendments
 710.50 Amendments
 710.55 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part include rewriting and clarifying language about the application period for permits; clarifying language about the regulations on archery equipment opening and closing state-owned or -managed sites to the spring turkey season, creating a youth turkey hunt, and changing regulations and application procedures on the sites.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which Interested Persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:
- Jack Price
 Department of Natural Resources
 524 S. Second Street
 Springfield, IL 62701-1787
 217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER e: LAW ENFORCEMENT

PART 710

THE TAKING OF WILD TURKEYS - SPRING SEASON

Section	
710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements - Special Hunts (Renumbered)
710.22	Turkey Permit Requirements - Landowner/Tenant Permits
710.25	Turkey Permit Requirements - Special Hunts
710.28	Turkey Permit Requirements - Heritage Youth Turkey Hunt
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.45	Regulations for Game Department Owned or Managed Sites
710.50	Regulations for Double-Counting
710.55	Statistical Reporting of Turkey
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1136, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 15, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective April 1, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 710.10 Hunting Seasons

- a) Northern Zone Season Dates:

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- 1st Season: Monday, April 13th - Friday, April 17, 1998
 4th-1997
- 2nd Season: Saturday, April 18th - Thursday, April 23, 1998 4th-1997
- 3rd Season: Friday, April 24th - Friday, May 1, 1998 2nd-1997
- 4th Season: Saturday, May 2nd - Wednesday, May 13, 1998 4th-1997
- b) Southern Zone Season Dates:
 1st Season: Monday, April 6th - Friday, April 10, 1998 4th-1997
- 2nd Season: Saturday, April 11th - Thursday, April 16, 1998 4th-1997
- 3rd Season: Friday, April 17th - Friday, April 24, 1998 2nd-1997
- 4th Season: Saturday, April 25th - Wednesday, May 6, 1998 4th-1997

c) Open Counties:

NORTHERN ZONE

Adams

Boone

Brown

Bureau

Calhoun

Carroll

Cass

Christian

Clark

Coles

Cumberland

Fulton

Greene

Grundy

Hancock

Henderson

Henry

Jersey

Jo Davies

Kankakee

Knox

LaSalle

Lee

Macoupin

Marshall-Putnam

Mason

McDonough

Menard

Mercer

White

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Montgomery
 Morgan
 Ogle
 Peoria
 Pike
 Rock Island
 Schuyler
 Scott
 Shelby
 Stephenson
 Tazewell
 Vermillion
 Warren
 Whiteside
 Winnebago
 Woodford

SOUTHERN ZONE

Alexander
 Bond
 Clay
 Clinton
 Coles
 Crawford
 Edwards
 Effingham
 Fayette
 Hamilton
 Gallatin-Hardin
 Jackson
 Jasper
 Jefferson
 Johnson
 Lawrence
 Madison
 Marion
 Massac
 Monroe
 Perry
 Pope
 Pulaski
 Randolph
 Richland
 Saline
 St. Clair
 Union
 Wabash
 Washington
 Wayne
 White

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Section 710.22 Turkey Permit Requirements - Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Residents landowners who own 40 acres or more of land, and resident landowners who own 40 acres or more of land, and non-resident landowners and members of their immediate family may apply for one turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50.
- d) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 31 days encompassed by the 4 seasons, but allow the taking of only one wild turkey.
- e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8 up-to two-additional-county-wide-permits-from-any-permits-not-issued-as-of the-second-Wednesday-in-March-in-a-random-daily-drawing. Fees for these additional permits shall be \$35.00 for residents and \$35.00 for non-residents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of the authorized form from the Agricultural Stabilization and Conservation Service either-an-Agricultural Stabilization-and-Conservation-Service-Form-476-or-Commodity Credit-Corporation-Form-477;
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a

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copy of one of the following:

- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) Submittal of a copy of the authorized form from the Agricultural Stabilization and Conservation Service either-an-Agricultural Stabilization-and-Conservation-Service-Form-476-or-Commodity Credit-Corporation-Form-477.
- h) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the 3 persons will be issued a permit. Only one landowner (and his immediate family) may receive turkey permits. A landowner of 40 acres or more of land and a non-resident landowner may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit based upon lands owned by the corporation. If application is made for a free permit of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.28 Turkey Permit Requirements - Heritage Youth Turkey Hunt

- a) The Heritage Youth Turkey Hunt is defined as a youth-only turkey hunt. The Heritage Youth Turkey Hunt is open only to Illinois residents who will be at least 10 years of age but not have reached their 16th birthday by the start of the Heritage Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current valid Heritage Youth Turkey Permit (\$10). For permit application and other information write to: Illinois Department of Natural Resources
Division of Education
Public Events & Promotions
524 S. Second Street, Room 530
Springfield, IL 62701-1787
- b) This program is co-sponsored by the Illinois Department of Natural

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Resources and the National Wild Turkey Federation (NWF) and its member chapters. Applicant cannot be a son, daughter, brother or sister of a National Wild Turkey Federation chapter committee member. Each applicant must complete the official Ancient Heritage Youth Turkey Permit application and submit it to a local NWF chapter. The NWF chapter will determine which application will be submitted to the Department. Only one application per NWF chapter will be accepted by the Department. No application will be accepted by the Department which does not have an NWF chapter endorsement and a \$10 permit fee. Chapters may submit an alternate application in case the first application cannot make the event. "ALTERNATE APPLICATION" must be indicated above the youth's name on the application. The alternate application does not require a permit fee to be submitted with the application.

d) The NWF chapter selection process must be open to the public.
e) The date of the Illinois permit application will be determined by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.

f) The applicants must be Illinois residents and not have had their turkey hunting privileges suspended or revoked in this State.

g) If more than one application for an Illinois Heritage Youth Turkey Hunt permit is received in the same name, all applications submitted in that name will be rejected and permits revoked.

h) Successful applicants will be notified by mail when and where they should report to receive their permit. Permits shall be issued at the time of the hunt. All permit holders shall be required to attend an instructional session preceding the hunt.

i) Each Illinois Heritage Youth Turkey Hunt permit holder is required to be accompanied by a parent/guardian of reasonable adult who possesses a valid firearm owners' identification (F.O.I.D.) card. The accompanying adult must be present for the permit holder (youth) to receive the permit. The permit holder must have a valid Illinois Youth Turkey Hunting Permit which will only be valid for the date(s) and county(ies) listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting.

(Source: Added at 21 Ill. Reg. _____, effective _____)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

- to use live turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- to take any wild turkey except a hen with a visible beard or a gobbler

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(male);
c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;

d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch drawn-arrow-with-a-metal barbs-broadhead that cannot pass through a 7/8-inch-diameter-hole in the only legal arrow. Minimum arrow length is 20 inches and broadheads must be fixed. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-chert or obsidian-nagel broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal;

e) to hunt except from 1/2 hour before sunrise to noon during each day of the season;

f) for any person having taken the legal limit of wild turkey(s) to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;

g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);

h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill and before the turkey is moved, transported or field dressed. The wild turkey shall be taken whole (or field dressed) to the designated check station for the county in which it was killed, or the closest check station, by the hunter in person, by 2:00 P.M. the same day it was killed. It will be checked, tagged and recorded by the Department at the check station; for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;

i) any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and signed on the person while hunting;

k) for any person to attempt to call a turkey by making sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field from March 15 through the day before turkey season in counties open to turkey hunting.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.50 Regulations at Various Department Owned or Managed Sites

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- a) Hunters must sign in/sign out at all sites in subsections (b) and (c) which are followed by a (1).
- b) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area (1)

Port de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)

Franklin Creek State Park (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area - Alexander County (controlled horse hunting area and public hunting area only)

I-24 Wildlife Management Area (1)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26 247-227-247-257-26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24 247-227-247-257-26

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Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1)

Sangamon Conservation Area

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area - Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest (1)

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Castle Rock State Park (1)

Chauncey Marsh

Crawford County Conservation Area

East Conant

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

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Fox Ridge State Park (first-2 seasons-only) (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Harry 'Babe' Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Johnson-Sauk Trail State Park (1)

Kickapoo State Park (1)

Lake Shelbyville-Corps of Engineers Managed Lands (Shelby County)

Little Vermilion River-Natural-Area-414

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marshall Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closes after the second Sunday of the fourth season; fourth season permits will be limited to those remaining after the disabled hunt drawing) (1)

Panther Creek Conservation Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Ramsey Lake State Park (1)

Randolph County Conservation Area (1)

Red Hills State Park

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

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Sand Ridge State Forest

Sangamon Conservation Area (Squirrel Timber Unit) (1)

Sato

Siloam Springs State Park (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Witkovsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 710.55 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the 4th season. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by December 1. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. Additional regulations will be publicly announced.

Mississippi Palisades State Park (closes after the second Sunday of the 4th season) (Hunters must sign in and out.)

(Source: Added at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Water Withdrawal from State Areas

- 2) Code Citation: 17 Ill. Adm. Code 120

- 3) Section Numbers: Proposed Action:

120.10 New Section

120.20 New Section

120.30 New Section

- 4) Statutory Authority: Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(1)] and the State Parks Designation Act [40 ILCS 840/5].

- 5) A Complete Description of the Subjects and Issues Involved: This Part covers requests by the public and private sector to withdraw either ground or surface water from properties owned by the State of Illinois and administered by the Department of Natural Resources. The rule sets the conditions under which the requests will be reviewed and the information which must be provided to the Department by the requestor.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

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None

- C) Types of Professional Skills Necessary for Compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 120
WATER WITHDRAWAL FROM STATE AREAS

Section

120.10 Purpose

120.20 Water Withdrawal Criteria

120.30 Restrictions and Special Considerations

AUTHORITY: Implementing and authorized by the State Parks Act [20 ILCS 835/1 and 4(1)] and the State Parks Designation Act [20 ILCS 840/5].

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 120.10 Purpose

- The water resources within or upon lands owned or managed by the Department of Natural Resources (Department) constitute a tremendous natural resource. It is the mission of the Department to manage the waters under its control for resource protection and outdoor recreation.
- Many Department-owned lakes were constructed utilizing federal grant-in-aid dollars. When uses other than those authorized under federal grant requirements are contemplated for these funded lakes, the Department must ensure that such uses are compatible with federal grant requirements.
- Withdrawal of water (including ponds, lakes, streams, wetlands, canals and groundwater) from properties owned by or under the control of the Department shall not be done without written approval from the Department. Requests for withdrawal of water will be evaluated by criteria set forth in this Part.
- These rules do not apply to the Michigan and any other public bodies of water under the Michigan and any other public bodies of water laws, the Illinois River Storage Act [615 ILCS 5/], Kaskaskia River below Carlyle Dam or water storage in Carlyle Lake and Lake Shelbyville administered under the Kaskaskia River Watershed and Basin Act [615 ILCS 75/], water storage in Rend Lake administered under the Rend Lake Dam and Reservoir on the Big Muddy River Act [70 ILCS 2115/], or water storage in Kinkaid Lake administered under the Big Kinkaid Creek Reservoir Act [615 ILCS 80/].

Section 120.20 Water Withdrawal Criteria

The following criteria will be used to evaluate requests for water withdrawal

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and failure to meet these criteria will result in rejection:

- Demonstration of Need
The party requesting the use of water from a Department site must provide information which demonstrates that it has exhausted reasonable alternatives to satisfy its water needs.
- Compatibility With Fish Management or Other Site Management Activities
For example, if a lake has a history of use or the need to utilize fishery management chemicals (aquatic herbicides or fish toxicants) these facts must be taken into consideration during the Department's review of water withdrawal requests. Information on the use of chemicals must be provided to the requestors in the interest of public health and safety. The District Fisheries Biologist will notify the Site Superintendent annually, by January 31, of all use of chemicals on waters of a site under his control. This notification will include the type of chemical, the date a chemical was applied, the purpose of the application and how many pounds/gallons were applied.
- Compatibility With Regulatory Bird Management Activities
The Department's regulatory bird biologist will be notified on a seasonal basis for the purpose of managing migratory birds, these factors must be taken into consideration during the Department's review of water withdrawal requests.
- Overwintering and Summer Survival of Aquatic Life
In any water withdrawal situation, sufficient water depth must remain to allow overwintering and summer survival of the water area's aquatic life. Winter-kill risk must be minimized in case refilling prior to winter does not occur following withdrawal, and thermal refuges must be maintained throughout the summer.
- Consideration of Federal Requirements
In all cases where Federal funding was utilized in acquiring or developing a site/lake, the associated federal requirements must be considered in the review of water withdrawal requests and inherent obligations must be honored.
- Physical Attributes of the Lake and Watershed
The morphological configuration of the lake in question should be analyzed to determine the amount of water which may be withdrawn. Factors to be considered include water depth, average depth, littoral zone to total lake acreage, watershed to lake ratio, inflow/outflow hydrograph of the impoundment for water recharging, spawning requirements and the location of boat ramps and dockage all must be considered.
- Presence of Endangered or Threatened Species
Water withdrawal from surface waters providing habitat for endangered or threatened species will require review by the Endangered Species Program Manager.
- Proximity of a Withdrawal Request to or in a Designated Illinois Nature Preserve
A request of this nature will require coordination with, and concurrence by, the Illinois Nature Preserve Commission. Proximity of

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a withdrawal request to or in a natural area will require review to ensure there will be no negative impact on the natural area.

- 1) Withdrawal Method Impact
The method of water removal will be considered as a significant factor in the consideration of requests to withdraw water. Under certain circumstances, the method of removal could result in the loss of water to the resource, and to Department programs than the loss of water itself. Consequently, Department staff involved in the review process will consider the impact of the requested withdrawal as follows:

- 1) Mobile tank:
 - A) road conditions, weight limits and required permits (Department roads and local public roads);
 - B) water loading point conflicts with Department programs;
 - C) visitor, staff and permittee safety;
 - D) method of filling tank (noise, aesthetic and storage impact); and
 - E) need for Department supervision and impacts upon other activities.
- 2) Pipelines:
 - A) location must not impact roads, trails, other use areas or sensitive resources;
 - B) pipe intake must be constructed to avoid resource damage;
 - C) construction and removal activity must not impact other sites; and
 - D) pipelines will require formal planning and licensing.
- 3) Spillway release from impoundment:
 - A) flow must be regulated and stopped as desired;
 - B) critical downstream activity must not be negatively impacted; and
 - C) adequate Department staff must be available to conduct operations.
- 4) Water Wells:
 - A) well location must not impact sensitive natural resources;
 - B) the drilling method employed should be chosen to avoid impacts on surrounding sensitive natural resources;
 - C) the construction, site clean-up, and removal activity must not impact surrounding sensitive natural resources; and
 - D) discharge of water from test pumping after well completion (such as for well development and yield determination) must be controlled to avoid impacts on surrounding sensitive natural resources.

Section 120.30 Restrictions and Special Considerations

- a) If upon completion of an environmental review a request is approved, all water withdrawn, except as described in Section 120.30(c), shall be by contract. The contract shall be prepared by Department staff

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- a) and signed by the Director or his designee.
- b) Withdrawers shall be charged a base fee of \$35 per permit issued, plus 15 cents per 1,000 gallons of water withdrawn, except for emergency use as defined in subsection(c).
- c) Site superintendents may allow emergency withdrawal without a contract for withdrawals which constitute an immediate peril to life or property, such as fire control.
- d) In no case should a water area be pumped dry without consultation with the resource divisions.
- e) This Part shall have no effect on pre-existing contracts, nor shall such pre-existing contracts be deemed to affect this Part.
- f) A requestor will be provided information on the types of chemicals and the amounts utilized on the water area. The requestor will be required to sign a statement that he/she received this information.
- g) If, after a request for water withdrawal is approved, a situation arises in which further water withdrawal could prove to be detrimental to the resource, withdrawal may be halted at the discretion of the site superintendent with written notification provided to the requestor.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions2) Citation: 35 Ill. Adm. Code 2113) Section Numbers: Proposed Action:

211.1467 New

211.1520 New

211.6420 New

211.7200 New

4) Statutory Authority: 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to 35 Ill. Adm. Code 211 pursuant to Section 102(b)(2) and Section 103 of the Clean Air Act, as amended in 35 Ill. Adm. Code 211.1467 et seq., which require states to submit revisions to the implementation of Reasonably Available Control Technology (RACT) for each category of volatile organic material sources covered by the Control Techniques Guidelines document. Specifically, the additions to Section 211 are the following new definitions: continuous coating, conventional air spray, strippable spray booth coating, and washoff operations.

6) Will this proposed rule(s) replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule(s) (amendment, repeal) contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 905/7(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning 897-31 within 45 days of publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931

Audrey Lozok-Lawless
Attorney
Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

312/814-6923

12) Initial Regulatory Flexibility Analysis: The proposed definitions to 35 Ill. Adm. Code 211 pertain to wood furniture coating sources which emit more than 25 tons of volatile organic material annually. These rules are mandated by the Clean Air Act and, therefore, no small business will be affected to a degree greater than allowed by Federal law.

A) Types of small businesses affected: Those wood furniture coating operations that emit more than 25 tons of volatile organic material annually.

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agency on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

CHAPTER 1: AIR QUALITY STANDARDS

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Incorporations by Reference
211.101 Abbreviations and Conversion Factors
211.102

Section
211.101
211.102

SUBPART B: DEFINITIONS

Other Definitions
Definitions (repealed)

211.121 Accelerator

211.122 Acid Gas

211.123 Acid Gas

211.124 Actual Heat Input

211.125 Adhesive

211.126 Adhesion Promoter

211.127 Aeration

211.128 Aerosol Can Filling Line

211.129 Afterburner

211.130 Air Contaminant

211.131 Air Dried Coatings

211.132 Air Oxidation Process

211.133 Air Pollutant

211.134 Air Pollution

211.135 Air Pollution Control Equipment

211.136 Air Suspension Coater/Dryer

211.137 Airless Spray

211.138 Air Assisted Airless Spray

211.139 Alcohol

211.140 Animal

211.141 Animal Pathological Waste

211.142 Annual Grain Through-Put

211.143 Anti-Glare/Safety Coating

211.144 Application Area

211.145 Architectural Coating

211.146 As Applied

211.147 As-Applied Fountain Solution

211.148 Asphalt

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211.590 Asphalt Prime Coat

211.591 Automobile

211.592 Automobile or Light-Duty Truck Assembly

211.593 Light-Duty Truck Manufacturing Plant

211.594 Automobile or Light-Duty Truck Refinishing

211.595 Automotive/Transportation Plastic Parts

211.596 Baked Coatings

211.597 Bakery Oven

211.598 Basecoat/Clearcoat System

211.599 Batch Loading

211.600 Batch Operation

211.601 Batch Process Train

211.602 Bead-Dipping

211.603 Binders

211.604 British Thermal Unit

211.605 Brush or Wipe Coating

211.606 Bulk Gasoline Plant

211.607 Bulk Gasoline Terminal

211.608 Business Machine Plastic Parts

211.609 Can Coating

211.610 Can Coating Line

211.611 Capture

211.612 Capture Device

211.613 Capture Efficiency

211.614 Capture System

211.615 Certified Investigation

211.616 Chemical Manufacturing Process Unit

211.617 Choke Loading

211.618 Clean Air Act

211.619 Cleaning and Separating Operation

211.620 Cleaning Materials

211.621 Clear Coating

211.622 Clear Topcoat

211.623 Closed Purge System

211.624 Closed Vent System

211.625 Coal Refuse

211.626 Coating

211.627 Coating Applicator

211.628 Coating Plant

211.629 Coating Pigment

211.630 Coating Pigment

211.631 Coil Coating

211.632 Coil Coating Line

211.633 Cold Cleaning

211.634 Complete Combustion

211.635 Component

211.636 Concrete Curing Compounds

211.637 Concentrated Nitric Acid Manufacturing Process

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Condensate	EMI/RFI	Shielding
211.1410		
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Extreme Performance Coating	EMI/RFI	Shielding
211.2210		
211.2230		
211.2250		
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Indirect Heat Transfer	211.3090	Monitor	211.3930
Ink	211.3110	Monomer	211.3950
In-Process Tank	211.3130	Motor Vehicles	211.3960
In-Situ Sampling Systems	211.3150	Motor Vehicle Refinishing	211.3965
Interior Body Spray Coat	211.3170	Multiple Package Coating	211.3970
Internal-Floating Roof	211.3190	New Grain-Drying Operation (Repealed)	211.3990
Internal Transferring Area	211.3210	No Detectable Volatile Organic Material Emissions	211.4010
Lacquers	211.3230	Non-Contact Process Water Cooling Tower	211.4030
Large Appliance Coating	211.3250	Non-Flexible Coating	211.4050
Large Appliance Coating Line	211.3270	Non-Heatset	211.4065
Large Appliance Coating Line	211.3290	Off-gas	211.4070
Light Liquid	211.3310	One Hundred Percent Acid	211.4090
Light-Duty Truck	211.3330	One-Turn Storage Space	211.4110
Liquid/Gas Method	211.3350	Opacity	211.4130
Liquid-Mounted Seal	211.3370	Opaque Stains	211.4150
Liquid Service	211.3410	Open Top Vapor Degreasing	211.4170
Liquids Dripping	211.3430	Open-Ended Valve	211.4190
Lithographic Printing Line	211.3450	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility	211.4210
Load-Out Area	211.3470	Organic Compound	211.4230
Loading Event	211.3480	Organic Material and Organic Materials	211.4250
Low Solvent Coating	211.3490	Organic Solvent	211.4260
Lubricating Oil	211.3500	Organic Vapor	211.4270
Magnet Wire	211.3510	Oven	211.4290
Magnet Wire Coating	211.3530	Overall Control	211.4310
Magnet Wire Coating Line	211.3550	Overvulnish	211.4330
Major Dump Pit	211.3570	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.4350
Major Metropolitan Area (MMA)	211.3590	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.4370
Major Population Area (MPA)	211.3610	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility	211.4390
Manually Operated Equipment	211.3620	Packaging Rotogravure Printing	211.4410
Manufacturing Process	211.3630	Packaging Rotogravure Printing Line	211.4430
Marine Terminal	211.3650	Pail	211.4450
Marine Terminal	211.3670	Paint, Manufacturing Source or Paint Manufacturing Plant	211.4470
Material Recovery Section	211.3690	Paper Coating	211.4490
Maximum Theoretical Emissions	211.3710	Paper Coating Line	211.4510
Maximum True Vapor Pressure	211.3730	Particulate Matter	211.4530
Metal Furniture	211.3750	Parts Per Million (Volume) or PPM (Vol)	211.4550
Metal Furniture Coating	211.3770	Petroleum	211.4590
Metal Furniture Coating Line	211.3790	Petroleum Liquid	211.4610
Metallic Shoe-Type Seal	211.3810	Petroleum Refinery	211.4630
Miscellaneous Fabricated Product Manufacturing Process	211.3830	Petroleum Refinery	211.4650
Miscellaneous Formulation Manufacturing Process	211.3850	Pharmaceutical	211.4670
Miscellaneous Metal Parts and Products	211.3870	Pharmaceutical Coating Operation	211.4690
Miscellaneous Metal Parts and Products Coating	211.3890	Photochemically Reactive Material	211.4710
Miscellaneous Metal Parts or Products Coating Line	211.3910	Pigmented Coatings	211.4730
Miscellaneous Organic Chemical Manufacturing Process	211.3930	Plant	211.4750
Mixing Operation	211.3950	Plastic Part	211.4770
Mobile Equipment	211.3970		

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211.4750 Plasticizers
 211.4770 PW-10
 211.4780 Pneumatic Rubber Tire Manufacture
 211.4790 Polybasic Organic Acid Partial Oxidation Manufacturing Process
 211.4810 Polyester Resin Material(s)
 211.4850 Polyester Resin Products Manufacturing Process
 211.4870 Polystyrene Plant
 211.4890 Polystyrene Resin
 211.4910 Portable Grain-Handling Equipment
 211.4930 Portland Cement Manufacturing Process Emission Source
 211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
 211.4970 Potential to Emit
 211.4990 Power Driven Fastener Coating
 211.5010 Precast
 211.5030 Pressure Release
 211.5050 Pressure Tank
 211.5080 Pressure/Vacuum Relief Valve
 211.5082 Pretreatment Wash Primer
 211.5084 Prime Coating
 211.5070 Prime Coating
 211.5080 Primer Sealer
 211.5090 Primer Surfacer Coat
 211.5110 Primer Surfacer Operation
 211.5130 Primers
 211.5150 Printing
 211.5170 Printing Line
 211.5185 Process Emission Source
 211.5190 Process Emission Unit
 211.5210 Process Unit
 211.5230 Process Unit Shutdown
 211.5245 Process Vent
 211.5250 Process Weight Rate
 211.5270 Production Equipment Exhaust System
 211.5310 Publication Rotogravure Printing Line
 211.5330 Purged Process Fluid
 211.5350 Rated Heat Input Capacity
 211.5370 Reasonably Available Control Technology (RACT)
 211.5390 Reclamation System
 211.5410 Refiner
 211.5430 Refinery Fuel Gas
 211.5450 Refinery Fuel Gas System
 211.5470 Refinery Unit or Refinery Process Unit
 211.5480 Reflective Argon Coating
 211.5490 Refrigerated Condenser
 211.5500 Regulated Air Pollutant
 211.5510 Reid Vapor Pressure
 211.5530 Repair

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211.5550 Repair Coat
 211.5570 Repaired
 211.5590 Residual Fuel Oil
 211.5600 Resist Coat
 211.5610 Restricted Area
 211.5630 Retail Outlet
 211.5650 Ringelmann Chart
 211.5670 Roadway
 211.5690 Roll Coater
 211.5710 Roll Coating
 211.5730 Roll Printer
 211.5750 Roll Printing
 211.5770 Rotogravure Printing
 211.5790 Rotogravure Printing Line
 211.5810 Safety Relief Valve
 211.5840 Sandblasting
 211.5850 Sandblasting Sealers
 211.5870 Screening
 211.5890 Sealers
 211.5910 Seal-Transparent Stains
 211.5930 Sensor
 211.5950 Set of Safety Relief Valves
 211.5970 Sheet Basecoat
 211.5980 Sheet-Red
 211.5990 Shotblasting
 211.6010 Side-Seam Spray Coat
 211.6025 Single Unit Operation
 211.6030 Smoke
 211.6050 Smokeless Flare
 211.6060 Soft Coat
 211.6070 Solvent
 211.6090 Solvent Cleaning
 211.6110 Solvent Recovery System
 211.6130 Source
 211.6140 Specialty Coatings
 211.615 Specialty Coatings for Motor Vehicles
 211.615 Specialty High Gloss Catalyzed Coating
 211.6170 Specialty Coatings
 211.6190 Specialty Sorbent Crushing Source
 211.6210 Splash Loading
 211.6230 Stack
 211.6250 Stain Coating
 211.6270 Standard Conditions
 211.6290 Standard Cubic Foot (scf)
 211.6310 Start-Up
 211.6330 Stationary Emission Source
 211.6350 Stationary Emission Unit
 211.6355 Stationary Gas Turbine

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211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Stripplable Sprav Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6480	Substrate
211.6490	Surface Condenser
211.6510	Surface Coating Mist
211.6530	Surface Coating
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-or Four-Stage Coating System
211.6620	Through-the-Valve Fill
211.6630	Tooling Resin
211.6650	Topcoat
211.6670	Topcoat Operation
211.6690	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Thread and Cementing
211.6760	True Vapor Pressure
211.6770	Two-Piece Can
211.6810	Under-the-Cup Fill
211.6830	Undercoat Coating
211.6850	Uniform Finish Blender
211.6860	Unregulated Safety Relief Valve
211.6870	Vacuum Metallizing
211.6880	Vacuum Producing System
211.6890	Vacuum Service
211.6910	Valves Not Externally Regulated
211.6930	Vapor Balance System
211.6950	Vapor Collection System
211.6970	Vapor Control System
211.6990	Vapor-Mounted Primary Seal
211.7010	Vapor Recovery System
211.7030	Vapor Suppressed Polyester Resin
211.7050	Vinyl Coating
211.7070	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)

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211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7370	Yeast Percentage
211.7400	Yeast Percentage
APPENDIX A	Rule into Section Table
APPENDIX B	Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filled and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, P. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, P. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1980; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective June 29, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R86-18, 12 Ill. Reg. 7284, effective December 24, 1987; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21,

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R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7434, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 1106, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 13176, effective October 29, 1995; amended in R96-16 at 21 Ill. Reg. 7600, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 7641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 7649, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 21 Ill. Reg. _____, effective _____.

BOARD NOTE: "This Part implements the Illinois Environmental Protection Act as of July 1, 1994."

NOTE: In this part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.1467 Continuous Coater

"Continuous coater" means a finishing system that continuously applies coating onto wood furniture parts moving along a conveyor system. Coatings that are not transferred to the part are recycled in the finishing system reservoir.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 211.1520 Conventional Air Spray

"Conventional air spray" means a spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than 10 pounds per square inch (psig) at the point of atomization. Airless or assisted airless and electrostatic spray technologies are not conventional air spray.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 211.6120 Strippable Spray Booth Coating

"Strippable spray booth coating" means a coating that is applied to a spray booth wall to provide a protective film to receive overspray during finishing operations and that is subsequently peeled off and disposed of.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

Section 211.7200 Washoff Operations

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"Washoff operations" means those operations in which organic solvent is used to remove coating from a substrate.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers:
304.214
Proposed Action:
Amend
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subject and Issues Involved: This site-specific rulemaking addresses relief from 35 Ill. Adm. Code 304.122 through amendments to 35 Ill. Adm. Code 304.214. The amendments are applicable to Mobil Oil Corporation's refinery, located near Joliet, Illinois. Specifically, this proposal provides site-specific ammonia nitrogen effluent standards for Mobil's discharge into the Des Plaines River.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R37-28 within 45 days after publication in the *Illinois Register* to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312/814-6931

or

Audrey Lozuk-Lawless
Attorney
Pollution Control Board
100 West Randolph Street
Suite 11-500

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- Chicago, IL 60601
312/814-6931
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
 - 13) Regulatory Agenda on which this rulemaking was summarized: July 1997
- The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE C: WATER POLLUTION
 CHAPTER 1: POLLUTION CONTROL BOARD
 PART 304
 EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND
 EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberg Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Partnership From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	UNO-VEN Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

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304.216	Newton Sanitary District Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TNC

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13 and 27).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 811, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3897, effective March 9, 1984; amended at 8 Ill. Reg. 9277, effective June 9, 1984; amended at 9 Ill. Reg. 23, effective January 27, 1985; amended at 9 Ill. Reg. 45, effective February 23, 1985; amended at 10 Ill. Reg. 45, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in 884-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in 886-17(A) at 11 Ill. Reg. 14748, effective August 23, 1987; amended in 884-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in 883-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in 887-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in 885-29 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in 887-22 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in 886-3 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in 884-20 at 13 Ill. Reg. 851, effective November 16, 1988; amended in 884-20 at 13 Ill. Reg. 851, effective February 6, 1989; amended in 885-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in 888-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in 886-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in 888-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in 887-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in 887-36 at 14 Ill. Reg. 9437, effective May

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3l. 1990; amended in R88-21(b) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(b) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(b) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-28 at 21 Ill. Reg. _____, effective _____.

SUBPART B: SITE SPECIFIC RULES AND
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section 304.214 Mobil Oil Refinery Ammonia Discharge

- a) This Section applies to discharges from Mobil Oil Corporation's Refinery, located near Joliet, into the Des Plaines River.
b) The requirements of Section 304.122(b) do shall not apply to Mobil's discharge. Instead Mobil's discharge may shall not exceed the following limitations:

CONSTITUENT
CONCENTRATION
(mg/l)

Ammonia Nitrogen
Monthly Average 9.0 ~~29~~
Daily Maximum Composite 23.0 ~~95~~

- c) Section 304.104(a) does shall not apply to this Section. Monthly average and daily composites are as defined in Section 304.104(b).
d) Mobil shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency. The report shall be filed with the Agency by January 31 of each year.
e) The provisions of this Section shall terminate on December 31, 2007 ~~1993~~.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
2) Code Citation: 35 Ill. Adm. Code 218
3) Section Numbers:
218.204 Amend
218.205 Amend
218.210 Amend
218.211 Amend
218.215 New
218.216 New
218.217 New
4) Statutory Authority: 415 ILCS 5/27
5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to Subpart F of 35 Ill. Adm. Code 218 pursuant to Section 102(b)(2) and Section 193 of the Clean Air Act, as amended in 1990, 42 U.S.C. section 7401, et seq., which require states to submit revisions to their State Implementation Plans (SIPs). The SIP must be revised to include provisions requiring the implementation of reasonably available control technology for each category of stationary organic material sources covered by a Control Techniques Guidelines document.
6) Will this proposed rule(s) replace an emergency rule currently in effect? No
7) Does this rulemaking contain an automatic repeal date? No
8) Does this proposed rule(s) (amendment, repealer) contain incorporations by reference? No
9) Are there any other proposed amendments pending on this Part? No
10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 0-5/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R97-31 within 45 days after publication in the Illinois Register to:

Dorothy Gunn
Clerk
Pollution Control Board
100 West Randolph Street
or
Audrey Losak-Lawless
Attorney
Pollution Control Board
100 West Randolph Street

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Suite 11-500
Chicago, IL 60601
312/814-6923

- 12) Initial Regulatory Flexibility Analysis: The proposed definitions to 35 Ill. Adm. Code 218 pertain to wood furniture coating sources which emit more than 25 tons of volatile organic material annually. These rules are mandated by the Clean Air Act and, therefore, no small business will be affected to a degree greater than allowed by federal law.

A) Types of small businesses affected: Those wood furniture coating operations that emit more than 25 tons of volatile organic material annually.

B) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping to the extent necessary to demonstrate that a source is either not subject to the requirements of the proposed amendments or to demonstrate that the source is meeting the requirements of the proposal.

C) Types of professional skills necessary for compliance: Technical, perhaps engineering and clerical.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section	Control or
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Incorporations by Reference
218.112	Monitoring for Negligibly-Reactive Compounds
218.113	Compliance with Permit Conditions
218.114	

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	Control or
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VOL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	Control or
218.141	Separation Operations

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218.142 Pumps and Compressors
218.143 Vapor Blowdown
218.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section
218.181 Solvent Cleaning in General
218.182 Cold Cleaning
218.183 Open Top Vapor Degreasing
218.184 ConveyORIZED Degreasing
218.185 Compliance Schedule (Repealed)
218.186 Test Methods

SUBPART F: COATING OPERATIONS

Section
218.201 Emission Limitations
218.202 Daily-Weighted Average Limitations
218.203 Solids Basis Calculation
218.204 Alternative Emission Limitations
218.205 Exemptions from Emission Limitations
218.206 Exemption from General Rule on Use of Organic Material
218.207 Compliance Schedule
218.208 Recordkeeping and Reporting
218.209 Cross-Line Averaging to Establish Compliance for Coating Lines
218.210 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
218.211 Changing Compliance Methods
218.212 Wood Furniture Coating Averaging Approach
218.213 Wood Furniture Coating Add-On Control Use
218.214 Wood Furniture Coating Work Practice Standards

SUBPART G: USE OF ORGANIC MATERIAL

Section
218.301 Use of Organic Material
218.302 Alternative Standard
218.303 Fuel Combustion Emission Units
218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section
218.401 Flexographic and Rotogravure Printing
218.402 Applicability
218.403 Compliance Schedule
218.404 Recordkeeping and Reporting

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218.405 Lithographic Printing: Applicability
218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
218.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996

218.409 Testing for Lithographic Printing On and After March 15, 1996
218.410 Monitoring Requirements for Lithographic Printing
218.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section
218.421 General Requirements
218.422 Inspection Program Plan for Leaks
218.423 Inspection Program for Leaks
218.424 Repairing Leaks
218.425 Recordkeeping for Leaks
218.426 Report for Leaks
218.427 Alternative Program for Leaks
218.428 Open-Ended Valves
218.429 Standards for Control Devices
218.430 Compliance Date (Repealed)
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section
218.441 Petroleum Refinery Waste Gas Disposal
218.442 Vacuum Producing Systems
218.443 Wastewater (Oil/Water) Separator
218.444 Process Unit Maintenance
218.445 Leak Detection Requirements
218.446 Monitoring Program Plan for Leaks
218.447 Monitoring Program for Leaks
218.448 Recordkeeping for Leaks
218.449 Reporting for Leaks
218.450 Alternative Program for Leaks
218.451 Sealing Device Requirements
218.452 Compliance Schedule for Leaks
218.453 Compliance Dates (Repealed)

POLLUTION CONTROL BOARD

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SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
218.461 Manufacture of Pneumatic Rubber Tires
218.462 Green Tire Spraying Operations
218.463 Alternative Emission Reduction Systems
218.464 Emission Testing
218.465 Compliance Dates (Repealed)
218.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
218.480 Applicability
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters
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Baseline VOM Content Limitations for Subpart F, Section 218.212

Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the

Environmental Protection Act [415 ILCS 5/10 and 28-5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991;

amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in

R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in

R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at

18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg.

14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg.

16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950,

effective November 15, 1994; amended in R94-31 and R94-32 at 19 Ill. Reg.

Reg. 8848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359,

effective May 9, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective

October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9,

1997; amended in R97-31 at 21 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as

of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses,

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subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

Section

218-205, 218-207, 218-208, and 218-212, 218-215 and 218-216 of this Subpart, no owner or operator of a coating line shall

apply at any time any coating in which the VOM content exceeds the following

emission limitations for the specified coating. Except as provided in Section

218-204(f), compliance with the emission limitations marked with an

asterisk in this Section is required on and after March 15, 1996, and

compliance with the emission limitations marked with an asterisk

is required until March 15, 1996. The following emission limitations are

expressed in units of VOM per volume of coating (minus water and any compounds

which are specifically exempted from the definition of VOM) as applied to each

coating which is applied to a substrate. Coatings which are specifically

exempted from the definition of VOM should be treated as water for the purpose

of calculating the "less water" part of the coating composition. Compliance

with this Subpart must be demonstrated through the applicable coating analysis

test methods and procedures specified in Section 218.105(a) of this Part and

the recordkeeping and reporting requirements specified in Section 218.211(c) of

this Subpart except where noted. (Note: The equation presented in Section

218.206 of this Part shall be used to calculate emission limitations for

determining compliance by add-on controls, credits for transfer efficiency,

emission trades and cross-line averaging.) The emission limitations are as

follows:

a) Automobile or Light-Duty _____ kg/l _____ lb/gal

1) Truck Coating _____ 0.14 _____ (1.2)

_____ 0.14* _____ (1.2)*

2) Primer surfacer coat _____ 1.81 _____ (15.1)

_____ 1.81* _____ (15.1)*

(Note: The primer surfacer coat limitation is in units of kg

(lbs) or VOM per 1 (gal) of coating solids deposited. Compliance

with the limitation shall be based on the daily-weighted average

from an entire primer surfacer operation. Compliance shall be

demonstrated in accordance with the topcoat protocol referenced

in Section 218.207(f) and the recordkeeping and reporting

requirements specified in Section 218.211(f). Testing

to demonstrate compliance shall be performed in accordance with the

topcoat protocol and a detailed testing proposal approved by the

Agency and USEPA specifying the method of demonstrating

compliance with the protocol. Section 218.205 does not apply to

the primer surfacer limitation.)

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	kg/l	lb/gal
3) Topcoat	1.81	(15.1)
	1.81*	(15.1)*

(Note: The topcoat limitation is in units of kg (lbs) of VOM per l (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 218.105(b) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 218.205 of this Part does not apply to the topcoat limitation.)

4) Final repair coat	kg/l	lb/gal
	0.58	(4.8)
	0.58*	(4.8)*

b) Can Coating	kg/l	lb/gal
1) Sheet basecoat and overvarnish		
A) Sheet basecoat	0.34	(2.8)
B) Overvarnish	0.26*	(2.2)*
2) Exterior basecoat and overvarnish	0.34	(2.8)
3) Interior body spray coat	0.34	(2.8)
A) Two piece	0.25*	(2.1)*
B) Three piece	0.51	(4.2)
4) Exterior end coat	0.44*	(3.7)*
5) Side seam spray coat	0.51	(4.2)
6) End sealing compound coat	0.51*	(4.2)*
	0.66	(5.5)
	0.66*	(5.5)*
	0.44	(3.7)
	0.44*	(3.7)*

c) Paper Coating	kg/l	lb/gal
	0.35	(2.9)
	0.28*	(2.3)*

(Note: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which printing is

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performed if the paper coating line complies with the emissions limitations in Subpart H: Printing and Publishing, Sections 218.401 of this Part.)

d) Coil Coating	kg/l	lb/gal
	0.31	(2.6)
e) Fabric Coating	0.20*	(1.7)*
f) Vinyl Coating	0.35	(2.9)
	0.28*	(2.3)*
	0.45	(3.8)
	0.28*	(2.3)*
g) Metal Furniture Coating		
1) Air dried	0.36	(3.0)
2) Baked	0.34*	(2.8)*
	0.36	(3.0)
	0.28*	(2.3)*
h) Large Appliance Coating		
1) Air dried	0.34	(2.8)
2) Baked	0.34*	(2.8)*
	0.34*	(2.8)*
	0.28*	(2.3)*

(Note: The limitation shall not apply to the use of quick-drying lacquers for repair of scratches and nicks that occur during assembly, provided that the volume of coating does not exceed 0.95 l (1 quart) in any one rolling eight-hour period.)

i) Magnet Wire Coating	kg/l	lbs/gal
	0.20	(1.7)
	0.20*	(1.7)*
j) Miscellaneous Metal Parts and Products Coating		
1) Clear coating	0.52	(4.3)
	0.52*	(4.3)*
2) Extreme performance coating		
A) Air dried	0.42	(3.5)
B) Baked	0.42*	(3.5)*
	0.42	(3.5)
	0.40*	(3.3)*
3) Steel pail and drum interior coating	0.52	(4.3)
4) All other coatings	0.52*	(4.3)*
A) Air Dried	0.42	(3.5)
B) Baked	0.42*	(3.5)*
	0.36	(3.0)
	0.34*	(2.8)*

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5) Marine engine coating

A) Air Dried 0.42 (3.5)

B) Baked 0.42* (3.5)*

i) Primer/Topcoat 0.42 (3.5)

ii) Corrosion 0.42* (3.5)*

resistant 0.42 (3.5)

basecoat 0.28* (2.3)*

C) Clear Coating 0.52 (4.3)

Metallic Coating 0.52* (4.3)*

A) Air Dried 0.42 (3.5)

B) Baked 0.42* (3.5)*

0.36 (3.0)

0.36 (3.0)*

7) Definitions

A) For purposes of subsection 218.204(j)(5) of this Section, the following terms are defined:

i) "Corrosion resistant basecoat" means, for purposes of subsection 218.204(j)(5)(B)(ii) of this Section, a water-borne epoxy coating applied via an electrodeposition process to a metal surface prior to spray coating, for the purpose of enhancing corrosion resistance.

ii) "Electrodeposition process" means for the purposes of subsection 218.204(j)(5) of this Section, a water-borne dip coating process in which opposite electrical charges are applied to the substrate and the coating. The coating is attracted to the substrate due to the electrochemical potential difference that is created.

iii) "Marine engine coating" means for the purposes of subsection 218.204(j)(5) of this Section, any extreme performance protective, decorative or functional coating applied to an engine that is used to propel watercraft.

B) For purposes of subsection 218.204(j)(6) of this Section, "metallic coating" means a coating which contains more than 1/4 lb/gal of metal particles, as applied.

k) Heavy Off-Highway Vehicle

kg/1 lb/gal

Products Coating

1) Extreme performance 0.42 (3.5)

prime coat 0.42* (3.5)*

2) Extreme performance top- 0.42 (3.5)

coat (air dried) 0.42* (3.5)*

3) Final repair coat 0.42 (3.5)

(air dried) 0.42* (3.5)*

4) All other coatings are subject to the emission limitations for

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1) Miscellaneous metal parts and products coating in subsection (3) above.

Wood Furniture Coating kg/1 lb/gal

3)---Clear-topcoat 0.67 (5.6)

2)---Opaque-stain 0.56 (4.7)

3)---Pigmented-coat 0.60 (5.0)

4)---Repair-coat 0.67 (5.6)

5)---Sealer 0.67 (5.6)

6)---Semi-transparent-stain 0.79 (6.6)

7)---Wash-coat 0.79 (6.6)

0.79* (6.1)*

0.79* (6.1)*

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0.79* (6.1)*

1) Limitations before March 15, 1998:

A) Clear topcoat 0.67 (5.6)

B) Opaque stain 0.56 (4.7)

C) Pigmented coat 0.60 (5.0)

D) Repair coat 0.67 (5.6)

E) Sealer 0.67 (5.6)

F) Semi-transparent stain 0.79 (6.6)

G) Wash coat 0.79 (6.1)

0.79* (6.1)*

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0.79* (6.1)*

(Note: Prior to March 15, 1998, an owner or operator of a wood furniture coating operation subject to this section shall apply all coatings, with the exception of no more than 37.8 l (10 gal) of coating per day used for touch-up and repair operations, using one or more of the following application systems: airless spray application system, air-assisted airless spray application system, electrostatic spray application system, electrostatic ball or disc spray application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections 1)(2)(A) through (E), below:

kg VOM/kg solids lb VOM/lb solids

0.8 (0.8)

A) Topcoat

B) Sealers and topcoats with the following limits:

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- i) Non-acid-cured alkyd amino vinyl sealer (1.9)
1.9
- ii) Non-acid-cured alkyd amino conversion varnish (1.8)
1.8
- iii) Acid-cured alkyd amino vinyl sealer (2.3)
2.3
- iv) Acid-cured alkyd amino conversion varnish (2.0)
2.0
- C) Meet the provisions of Section 218.215 of this Subpart for use of an averaging approach.
- D) Achieve a reduction in emissions equivalent to the requirements of subsection (1)(2)(A) or (B) of this Subpart, or calculated using Section 218.216 of this Subpart.
- E) Use a combination of the methods specified in subsections (1)(2)(A) through (D) of this Section.
- 3) Other wood furniture coating limitations on and after March 15, 1998:

	kg/l	lb/gal
A) Opaque stain	0.56	(4.7)
B) Non-topcoat pigmented coat	0.60	(5.0)
C) Repair coat	0.67	(5.6)
D) Semi-transparent stain	0.79	(6.6)
E) Wash coat	0.73	(6.1)

- 4) Other wood furniture coating requirements on and after March 15, 1998:
- A) No source subject to the limitations of subsection (1)(2) or (3) of this Section and utilizing one or more wood furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg VOM/kg solids (0.9 lb VOM/lb solids), as applied.
- B) Any source subject to the limitations of subsection (1)(2) or (3) of this Section shall comply with the requirements of Section 218.217 of this Subpart.
- C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more coatings shall, for each continuous coating, use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:

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- i) Monitor viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added.
- ii) Collect and record the reservoir viscosity and the amount and weight of VOM per weight of solids of coating and solvent each time coating or solvent is added, and
- iii) Maintain these records at the source for a period of three years.
- m) Existing Diesel-Electric Locomotive Coating Lines in Cook County

	kg/l	lb/gal
1) Extreme performance prime	0.42	(3.5)*
2) Extreme performance top-coat (air dried)	0.42	(3.5)*
3) Final repair coat (air dried)	0.42	(3.5)*
4) High-temperature aluminum coating	0.72	(6.0)*
5) All other coatings	0.36	(3.0)*

- n) Plastic Parts Coating: Automotive/Transportation
- 1) Interiors
- A) Baked
- i) Color coat 0.49* (4.1)*
- ii) Primer 0.46* (3.8)*
- B) Air Dried
- i) Color coat 0.38* (3.2)*
- ii) Primer 0.42* (3.5)*
- 2) Exteriors (flexible and non-flexible)
- A) Baked
- i) Primer 0.60* (5.0)*
- ii) Primer-non-flexible 0.58* (4.5)*
- iii) Clear coat 0.52* (4.3)*
- iv) Color coat 0.55* (4.6)*
- B) Air Dried
- i) Primer 0.66* (5.5)*
- ii) Clear coat 0.54* (4.5)*
- iii) Color coat 0.67* (5.6)* (red & black)

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iv) Color coat (others)	0.61*	(5.1)*
3) Speciality		
A) Vacuum metallizing basecoats, texture basecoats	0.66*	(5.5)*
B) Black coatings, reflective, argnet coatings, air bag cover coatings, and soft coatings	0.71*	(5.9)*
C) Vacuum reducers, vacuum metallizing topcoats, and texture topcoats	0.77*	(6.4)*
D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82*	(6.8)*
E) Head lamp lens coatings	0.89*	(7.4)*

o) Plastic Parts Coating: Business Machine

1) Primer	kg/l	lb/gal
2) Color coat (non- texture coat	0.14*	(1.2)*
3) Color coat (texture coat)	0.28*	(2.3)*
4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.28*	(2.3)*
5) Speciality Coatings	0.48*	(4.0)*
A) Soft coat		
B) Plating resist	0.52*	(4.3)*
C) Plating sensitizer	0.71*	(5.9)*
	0.85*	(7.1)*

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 218.205 Daily-Weighted Average Limitations

NO owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart and complying by means of this Section shall operate

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the subject coating line unless the owner or operator has demonstrated compliance with subsection (a), (b), (c), (d), (e), (f), (g), (h) or (i) of this Section (depending upon the category of coating) through the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(d) of this Subpart:

- No owner or operator of a coating line subject to only one of the limitations from among Section 218.204(a)(1), (a)(4), (c), (d), (e) (1), or (i) of this Subpart shall apply coatings on any such coating line which daily weighted average VOC content exceeds the VOC content limit specified in Section 218.204(b) of this Subpart.
- No owner or operator of miscellaneous metal parts and products coating line subject to the limitations of Section 218.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.
 - For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(j) during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), the daily-weighted average VOC content shall not exceed the coating VOC content limit corresponding to the category of coating used, or

- For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(j) of this Subpart, during the same day, the owner or operator shall have a site-specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43914 (December 4, 1986), must be satisfied.

- No owner or operator of a can coating line subject to the limitations of section 218.204(b) of this Subpart shall operate the subject coating line during the same day if the VOC content in excess of the limit specified in Section 218.204(b) of this Subpart unless all of the following requirements are met:
 - An alternative daily emission limitation shall be determined for the can coating operation, i.e. for all of the can coating lines at the source, according to subsection (c)(2) of this Section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

$$E[d] = \sum_{i=1}^n V[i]C[i]$$

where:

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- $E(d)$ = Actual VOM emissions for the day in units of kg/day (lbs/day);
- i = Subscript denoting a specific coating applied;
- n = Total number of coatings applied in the can coating operation, i.e. all can coating lines at the source;
- $V(i)$ = Volume of each coating applied for the day in units of 1/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);
- $C(i)$ = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).
- 2) The alternative daily emission limitation ($A(d)$) shall be determined for the can coating operation, i.e. for all of the can coating lines at the source, on a daily basis as follows:

$$A(d) = \sum_{i=1}^n V(i) \{D(i) - C(i)\} \\ (D(i) - L(i))$$

where:

- $A(d)$ = The VOM emissions allowed for the day in units of kg/day (lbs/day);
- i = Subscript denoting a specific coating applied;
- n = Total number of surface coatings applied in the can coating operation;
- $C(i)$ = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);
- $D(i)$ = The density of VOM in each coating applied. For the purposes of calculating $A(d)$, the density is 0.882 kg VOM/l VOM (7.36 lbs VOM/gal VOM);

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- $V(i)$ = Volume of each surface coating applied for the day in units of 1 (gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);
- $L(i)$ = The VOM emission limitation for each surface coating as specified in Section 218.204(k) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).
- d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 218.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or
- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) 31 Fed. Reg. 49814 (December 4, 1966), must be satisfied.
- e) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 218.204(l) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 218.204(l)(1) of this Subpart, are met.
- 1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(l)(1) or (l)(3) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l [5.6 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or
- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive

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approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

- f) No owner or operator of an existing diesel-electric locomotive coating line in Cook County, subject to the limitations of Section 218.204(m) of this Subpart shall apply coatings to diesel-electric locomotives on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(n) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [43.5 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(m) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- g) No owner or operator of a plastic parts coating line, subject to the limitations of Section 218.204(n) or (o) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(n) or (o) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [43.5 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(n) or (o) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- h) No owner or operator of a metal furniture coating line, subject to the limitations of Section 218.204(n) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(g) of this Subpart, during the same day

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(e.g., all coatings used on the line are subject to 0.34 kg/l [42.8 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- i) No owner or operator of a large appliance coating line, subject to the limitations of Section 218.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (i)(1) or (i)(2) of this Section are met:

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 218.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l [42.8 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 218.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 218.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 218.204 of this Subpart) shall comply with the requirements of Section 218.204, 218.205, 218.207 or 218.208 and Section 218.211 or Sections 218.212 and 218.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e) or (f) below:

- a) No owner or operator of a coating line which is exempt from the limitations of Section 218.204 of this Subpart because of the criteria in Section 218.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Subpart, unless the owner or operator has complied with, and continues to comply with, Section 218.211(b) of this Subpart. Wood furniture-coating lines are not subject to Section 218.211(b) of this Subpart.

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- b) No owner or operator of a coating line complying by means of Section 218.204 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.204 and 218.211(c) of this Subpart.
- c) No owner or operator of a coating line complying by means of Section 218.205 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.205 and 218.211(d) of this Subpart.
- d) No owner or operator of a coating line complying by means of Section 218.207 of this Subpart shall operate said coating line on or after a date consistent with Section 218.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 218.207 and 218.211(e) of this Subpart.
- e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.204, 218.205 or 218.207 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 218.204, or the alternative control options in Section 218.205 or 218.207 and the requirements of Section 218.211.
- f) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 218.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 218.212 of this Subpart, shall operate said coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 218.212 and 218.213 of this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

R

Section 218.211 Recordkeeping and Reporting

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 218.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line which is exempted from the limitations of Section 218.204 of this Subpart Part because of Section 218.208(a) or (b) of this Subpart Part shall comply with the following:
- 1) For sources exempt under Section 218.208(a) of this Subpart, by a date consistent with Section 218.106 of this Part, the owner

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or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the coating line or group of coating lines is exempt under the provisions of Section 218.208(a) 218.208 of this Subpart Part. Such certification shall include:

- A) A declaration that the coating line or group of coating lines is exempt from the limitations of Section 218.204 of this Subpart Part because of Section 218.208(a) of this Subpart Part; and
- B) Calculations which demonstrate that the combined VOM emissions from the coating lines or group of coating lines never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$T(e) = \sum_{j=1}^m \sum_{n=1}^n VOM(A(i)B(i)) \quad (1)$$

where:

- T(e) = Total VOM emissions from coating lines each day before the application of capture systems and control devices in units of kg/day (lbs/day);
- m = Number of coating lines at the source that otherwise would be subject to the same subsection of Section 218.104 of this Part (because they belong to the same category, e.g., can coating);
- j = Subscript denoting an individual coating line;
- n = Number of different coatings as applied each day on each coating line;
- i = Subscript denoting an individual coating;
- A(i) = Weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal); and
- B(i) = Volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency

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2) For sources exempt under Section 218.208(b) of this Subpart, by March 15, 1998, or upon initial start-up, the owner or operator of a coating line or a group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 218.208(b) of this Subpart. Such certification shall include:

- A) A declaration that the source is exempt from the limitations of Section 218.204(1) of this Subpart because of Section 218.208(b) of this Subpart; and
- B) Calculations which demonstrate that the source meets the criteria for exemption because of Section 218.208(b) of this Subpart.

3) For sources exempt under Section 218.208(a) of this Subpart, on and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line; and
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

4) For sources exempt under Section 218.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line; and
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.

5) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a coating line or group of coating lines exempted from the limitations of Section 218.204 of this Subpart because of Section 218.208(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capto systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

6) On and after March 15, 1998, the owner or operator of a source exempt from the limitations of Section 218.204(1) of this Subpart because of Section 218.208(b) of this Subpart shall notify the

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Agency if the source's VOM emissions exceed the limitations of Section 218.208(b) of this Subpart by sending a copy of calculations showing such as exceedance within 30 days after the change occurs.

- c) Any owner or operator of a coating line subject to the limitation of Section 218.204 of this Subpart Part other than Section 218.204(a)(2) or (a)(3) of this Subpart and complying by means of Section 218.204 of this Subpart Part shall comply with the following:

- 1) By the date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance from an existing subject coating line from Section 218.205, or Section 218.207, Section 218.213, or Section 218.216 of this Subpart Part to Section 218.204 of this Subpart Part, the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.205 of this Subpart Part on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:

- A) The name and identification number of each coating as applied on each coating line; and
- B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line and.

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

- A) The name and identification number of each coating as applied on each coating line; and
- B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating line.

- D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(4)(A) of this Subpart, the weight of VOM per weight of solids in each sirippable spray booth coating as

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applied each day on each spray booth and certified product data sheets for each coating.

- 3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Any record showing violation of Section 218.204 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance from Section 218.204 of this Subpart Part to Section 218.205 or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) of this Section below, respectively. Upon changing the method of compliance from Section 218.204 of this Subpart Part to Section 218.205 of this Subpart Part or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.
- d) Any owner or operator of a coating line subject to the limitations of Section 218.204 of this Subpart Part and complying by means of Section 218.205 of this Subpart Part shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 218.204 of this Subpart Part to Section 218.205 of this Subpart Part, the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 218.205 of this Subpart Part, or on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:
 - A) The name and identification number of each coating line which will comply by means of Section 218.205 of this Subpart Part.
 - B) The name and identification number of each coating as applied on each coating line.
 - C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

D) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

E) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.

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F) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.

G) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.

- 2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:
 - A) The name and identification number of each coating as applied on each coating line.
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 218.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

D) The daily-weighted average VOM content of all coatings as applied on each coating line as defined in Section 218.104 of this Part.

E) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.205 of this Subpart Part to Section 218.204 or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart from Section 218.205 to Section 218.204 or Section 218.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.

F) Any owner or operator of a coating line subject to the limitations of Section 218.207 of this Subpart Part and complying by means of Section 218.207(c), (d), (e), (f), (g) or (h) of this Subpart Part shall comply with the following:

- 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 218.204 or Section 218.205 of this Subpart Part to Section

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218.207 of this Subpart Part, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 218.207 of this Subpart Part on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

- A) The weight of VOM per volume of coating solids as applied each day on each coating line, if complying pursuant to Section 218.207(b)(2) of this Subpart Part.
- B) Control device monitoring data.
- C) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
- D) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

3) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

- A) Any record showing violation of Section 218.207 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation.
- B) At least 30 calendar days before changing the method of compliance with this Subpart from Section 218.207 of this Subpart Part to Section 218.204 or Section 218.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart pursuant to Section 218.207 of this Subpart Part to Section 218.204 or Section 218.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
- F) Any owner or operator of a primer surfacer operation or topcoat operation subject to the limitations of Section 218.204(a)(2) or (a)(3) of this Subpart Part shall comply with the following:
 - 1) By a date consistent with Section 218.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section

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218.204 of this Subpart Part on and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date. Such certification shall include:

- A) The name and identification number of each coating operation which will comply by means of Section 218.204(a)(2) and (a)(3) of this Subpart Part and the name and identification number of each coating line in each coating operation.
- B) The name and identification number of each coating as applied on each coating line in the coating operation.
- C) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
- D) The transfer efficiency and control efficiency measured for each coating line.
- E) Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
- F) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
- G) The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) below.
- H) An example format for presenting the records required in subsection (f)(2) below.

2) On and after a date consistent with Section 218.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each operation and maintain the information at the source for a period of three years:

- A) All information necessary to calculate the daily-weighted average VOM emissions from the coating operations in kg (lbs) per l (gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 218.204(a)(2) or (a)(3) of this Subpart Part including:
 - i) The name and identification number of each coating as applied on each coating operation.
 - ii) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
- B) If a control device(s) is used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment,

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detailing all routine and non-routine maintenance performed including date and duration of any outages.

- 3) On and after a date consistent with Section 218.106 of this Part on or after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in kg (lbs) per l (gal) of coating solids deposited in accordance with the proposal submitted and approved pursuant to Section 218.204(a)(2) or (a)(3) of this Subpart Part within 10 days from the end of the month and maintain this information at the source for a period of three years.
- 4) On and after a date consistent with Section 218.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:
 - A) Any record showing a violation of Section 218.204(a)(2) or (a)(3) of this Subpart Part shall be reported by sending a copy of the record to the Agency within 15 days from the end of the month to which the violation occurred.
 - B) The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days of the approval of the proposal by the Agency and USEPA.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 218.215 Wood Furniture Coating Averaging Approach

- a) On and after March 15, 1998, any owner or operator of a source subject to the limitations of Section 218.204(l) of this Subpart may elect to comply with the requirements of this Section rather than complying with the applicable emission limitations set forth in Section 218.204(l)(1)(A) or (B) of this Subpart. The source must continue to comply with the limitations set forth in Section 218.204(l)(3) and (4) of this Subpart. A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.
- b) A source electing to rely on this Section shall be subject to the limitations of Section 218.204(l) of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish and submit to the Agency a testing proposal to the Agency pursuant to subsection (b)(1) or (b)(2) of this Section, that, on a daily basis, actual emissions from the affected source are less than or equal to ninety percent of the allowable emissions, that is $V(a) \leq V(p)$.

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1) Option I:

$$A) \quad V(a) = \sum_{i=1}^n S_i \text{ma} \{ [ER(TC_i) \times TC(i)] + [ER(SE_i) \times SE(i)] \} \text{ and}$$

$$B) \quad V(p) = 0.9 \times \sum_{i=1}^n S_i \text{ma} \{ 0.8 \times TC(i) \}$$

2) Option II:

$$A) \quad V(a) = \sum_{i=1}^n S_i \text{ma} \{ [ER(TC_i) \times TC(i)] + [ER(SE_i) \times SE(i)] + [ER(WC_i) \times WC(i)] + [ER(PC_i) \times PC(i)] + [ER(SW_i) \times ST(i)] \} \text{ and}$$

$$B) \quad V(p) = 0.9 \times \sum_{i=1}^n S_i \text{ma} \{ [1.8 \times TC(i)] + [1.9 \times SE(i)] + [9.0 \times WC(i)] + [1.2 \times PC(i)] + [0.79 \times ST(i)] \}$$

where:

- $V(a)$ = Actual VOM emissions from the source;
 $V(p)$ = 90% of the allowable VOM emissions from the source;
 n = Number of different wood furniture coatings as applied each day on each coating line;
 i = Subscript denoting an individual coating;
 $TC(i)$ = kilograms of solids in to-coat "i" used;
 $SE(i)$ = kilograms of solids in sealer "i" used;
 $WC(i)$ = kilograms of solids in wash coat "i" used;
 $PC(i)$ = kilograms of solids in non-to-coat pigmented coat "i" used;
 $ST(i)$ = liters of stain "i" used;
 $ER(TC_i)$ = VOM content of to-coat "i" in kg VOM/kg solids, as applied;
 $ER(SE_i)$ = VOM content of sealer "i" in kg VOM/kg solids, as applied;
 $ER(WC_i)$ = VOM content of washcoat "i" in kg VOM/kg solids, as applied;
 $ER(PC_i)$ = VOM content of non-to-coat pigmented coat "i" in kg VOM/kg solids, as applied;

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ER(STL) = VOM content of stain "i" in k_1 VOM/liter $[k_2]/[l]$, as specified.

- c) Within the structure of the source's federally enforceable permit conditions, an owner or operator of a source electing to rely on this Section to demonstrate compliance with this Subpart shall provide to the Agency:

- 1) The name and identification number of each participating coating line;
- 2) The name and identification number of each coating as applied on each participating coating line;
- 3) A summary of how averaging will be used to meet the emission limitations;
- 4) Documentation that $V(a) < V(p)$, as calculated in subsection (b)(1) or (2) of this Section;
- 5) A description of which types of coating materials will be included in the source's averaging program, which may include stains, basecoats, washcoats, sealers, and to-coats. Coating materials that are applied using continuous coaters may be used in an averaging program only if the source can determine the amount of coating used each day;
- 6) A description of methods and procedures for quantifying emissions on a daily basis, including methods to determine the VOM content of each coating and the daily use of each coating; and reporting procedures that will be used to demonstrate daily compliance with the inequalities in subsections (b)(1) and (2) of this Section. These procedures shall be structured such that the Agency and the owner or operator of the source can determine the source's compliance status for any given day;

- d) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:

- 1) The name and identification number of each coating as applied on the coating line;
 - 2) The weight of VOM per weight of solids (k_1 VOM/ k_2 solids) and the weight of solids (k_3) of each coating as applied on each coating line on a daily basis;
 - 3) Certified product data sheets for each coating; and
 - 4) The calculations showing the source has met the conditions of the inequalities in subsection (b)(1) or (2) of this Section.
- e) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall:
- 1) Notify the Agency within 30 calendar days following an occurrence

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- of a violation of this Section; and
- 2) The Agency may record showing a violation of this Section with 30 calendar days following the occurrence of a violation.
- f) At least 30 calendar days before the method of compliance with this Subpart from reliance on this Section to reliance on Section 218.204(1)(2)(A) or (B) of this Subpart, the owner or operator of a source relying on this Section to demonstrate compliance with this Subpart for one or more wood furniture coating lines shall:
- 1) Comply with all requirements of Section 218.211(c)(1) of this Subpart; and
 - 2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 218.216 Wood Furniture Coating Add-On Control Use

The owner or operator of a source subject to the requirements of Section 218.204(1)(2) of this Subpart may choose to comply with those limitations by relying on Section 218.204(1)(2)(D) of this Subpart if all of the following requirements are met:

- a) For each coating applied, determine the overall control efficiency needed to demonstrate compliance using the following equation:

$$R = [(C - L)/C] \times 100$$

where:

R = the necessary overall capture and control efficiency of the control system, as a percentage;

C = the VOM content of the coating, in kilograms of VOM per kilograms of coating solids (k_1 VOM/ k_2 solids), as applied;

L = the emission limitation for that coating, as given in Section 218.204(1)(2)(B) of this Subpart.

- b) Calculate the equivalent overall capture and control efficiency of the control device using the procedures of Section 218.105(c), (d), and (e) of this Part.
- c) Demonstrate that the equivalent overall capture and control efficiency calculated using the procedures in Section 218.105(c), (d), and (e) of this Part is equal to or greater than the largest value of R calculated for each coating by the equation in subsection (a) of this Section.
- d) Install, calibrate, operate, and maintain the applicable monitoring

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equipment for the control device as specified in Section 218.105(d) of this Part.

- e) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:
 - 1) The name and identification number of each coating as applied on the coating line;
 - 2) The weight of VOM per weight of solids (x VOM/x solids) of each coating as applied on each coating line on a daily basis;
 - 3) Certified product data sheets for each coating;
 - 4) Control device monitoring data;
 - 5) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line; and
 - 6) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- f) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section with the requirements of this Subpart shall:
 - 1) Notify the Agency of this Section and of any occurrence of a violation of this Section and
 - 2) Send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.
- g) At least 30 calendar days before changing the method of compliance with this Subpart from reliance on this Section to reliance on Section 218.204(1)(2)(A) or (B) of this Subpart, the owner or operator of a source relying on this Section to demonstrate compliance with this Subpart for one or more wood furniture coating lines shall:
 - 1) Comply with all requirements of Section 218.211(c)(1) of this Subpart; and
 - 2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 218.217 Wood Furniture Coating Work Practice Standards

- a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 218.204(1) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coats and their enclosures, and metal filters, unless the spray

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- b) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 218.204(1) of this Subpart shall:
 - 1) Keep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;
 - 2) Pump or drain all organic solvent used for line cleaning into closed containers;
 - 3) Collect all organic solvent used to clean spray guns in closed containers; and
 - 4) Control emissions from washoff operations by using closed tanks.
- c) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 218.204(1) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (c)(1) through (4) of this Section:
 - 1) To apply coating materials that have a VOM content no greater than 1.0 kg VOM/kg solids (1.0 lb VOM/lb solids), as applied;
 - 2) For repair coating under the following circumstances:
 - A) The coating materials are applied after the completion of the coating operation; or
 - B) The coating materials are applied after the stain and before any other type of coating material is applied; and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;
 - 3) If the spray gun is aimed and triggered automatically, rather than manually; or
 - 4) If emissions from the finishing application station are directed to a control device pursuant to Section 218.216 of this Subpart.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro-East Area

2) Code Citation: 35 Ill. Adm. Code 219

3) Section Numbers:

219.181 Amend
219.204 Amend
219.205 Amend
219.210 Amend
219.211 Amend
219.215 New
219.216 New
219.217 New

4) Statutory Authority: 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes amendments to 35 Ill. Adm. Code 219 pursuant to Section 182(b)(2) and Section 183 of the Clean Air Act, as amended in 1990, 42 U.S.C. Section 7401 et seq., which require states to submit revisions to their State Implementation Plans (SIPs). The revised SIP must include provisions requiring the implementation of Reasonably Available Control Technology for each category of volatile organic material sources covered by a Control Techniques Guidelines document.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning 897-31 within 45 days after publication in the Illinois Register to:

Dorothy Gunn Audrey Lozok-Lawless
Clerk Attorney
Pollution Control Board Pollution Control Board
100 West Randolph Street 100 West Randolph Street
Suite 11-500 Suite 11-500

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Chicago, IL 60601 Chicago, IL 60601
312/814-6931 312/814-6923

12) Initial Regulatory Flexibility Analysis: The proposed amendments to 35 Ill. Adm. Code 219 pertain to wood furniture coating sources which emit more than 25 tons of volatile organic material annually. These rules are mandated by the Clean Air Act and, therefore, no small businesses will be affected to a degree greater than allowed by federal law.

A) Types of small businesses, small municipalities and not-for-profit corporations affected: These wood furniture coating operations that emit more than 25 tons of volatile organic material annually.

B) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping to the extent necessary to demonstrate that a source is either not subject to the requirements of the proposed amendments or to demonstrate that the source is meeting the requirements of the proposal.

C) Types of professional skills necessary for compliance: Technical, perhaps engineering and clerical.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCESPART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

SUBPART A: GENERAL PROVISIONS

Section	or	Control
219.100	Introduction	
219.101	Savings Clause	
219.102	Abbreviations and Conversion Factors	
219.103	Applicability	
219.104	Definitions	
219.105	Testing Methods and Procedures	
219.106	Compliance Dates	
219.107	Operation of Afterburners	
219.108	Exemptions, Variations, and Alternative Means	
219.109	Compliance Determinations	
219.110	Vapor Pressure of Volatile Organic Liquids	
219.111	Vapor Pressure of Organic Material or Solvent	
219.112	Vapor Pressure of Volatile Organic Material	
219.113	Incorporations by Reference	
219.114	Monitoring for Negligibly-Reactive Compounds	

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	Applicability for VOL
219.119	Control Requirements for Storage Containers of VOL
219.120	Storage Containers of VPL
219.121	Loading Operations
219.122	Petroleum Liquid Storage Tanks
219.123	External Floating Roofs
219.124	Compliance Dates
219.125	Compliance Plan (Repealed)
219.126	Testing VOL Operations
219.127	Monitoring VOL Operations
219.128	Recordkeeping and Reporting for VOL Operations
219.129	

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	Separation Operations
219.141	

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Pumps and Compressors

Vapor Blowdown

Safety Relief Valves

219.142

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SUBPART E: SOLVENT CLEANING

Section	Solvent Cleaning in General
219.181	Cold Cleaning
219.182	Open Top Vapor Degreasing
219.183	Conveyorized Degreasing
219.184	Compliance Schedule (Repealed)
219.185	Test Methods
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SUBPART F: COATING OPERATIONS

Section	Emission Limitations
219.204	Daily-Weighted Average Limitations
219.205	Solids Basis Calculation
219.206	Alternative Emission Limitations
219.207	Exemptions From Emission Limitations
219.208	Exemption From General Rule on Use of Organic Material
219.209	Compliance Schedule
219.210	Recordkeeping and Reporting
219.211	Cross-Line Averaging to Establish Compliance for Coating Lines
219.212	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
219.213	Changing Compliance Methods
219.214	Wood Furniture Coating Averaging Approach
219.215	Wood Furniture Coating Add-On Control Use
219.216	Wood Furniture Coating Work Practice Standards
219.217	

SUBPART G: USE OF ORGANIC MATERIAL

Section	Use of Organic Material
219.301	Alternative Standard
219.302	Fuel Combustion Emission Units
219.303	Operations with Compliance Program
219.304	

SUBPART H: PRINTING AND PUBLISHING

Section	Flexographic and Rotogravure Printing
219.401	Applicability
219.402	Compliance Schedule
219.403	Recordkeeping and Reporting
219.404	

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219.405 Lithographic Printing: Applicability
 219.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior
 219.407 To March 15, 1996
 219.408 Printing Lines On and After March 15, 1996
 219.409 Compliance Schedule for Lithographic Printing on and After March 15,
 1996
 219.410 Testing for Lithographic Printing On and After March 15, 1996
 219.411 Monitoring Requirements for Lithographic Printing
 219.412 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER
 MANUFACTURING PLANT

Section
 219.421 General Requirements
 219.422 Inspection Program Plan for Leaks
 219.423 Inspection Program for Leaks
 219.424 Repairing Leaks
 219.425 Recordkeeping for Leaks
 219.426 Report for Leaks
 219.427 Alternative Program for Leaks
 219.428 Open-Ended Valves
 219.429 Standards for Control Devices
 219.430 Compliance Date (Repealed)
 219.431 Applicability
 219.432 Control Requirements
 219.433 Monitoring Requirements
 219.434 Recordkeeping and Reporting Requirements
 219.435 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES:
 ASPHALT MATERIALS

Section
 219.441 Petroleum Refinery Waste Gas Disposal
 219.442 Vacuum Producing Systems
 219.443 Wastewater (Oil/Water) Separator
 219.444 Process Unit Turnarounds
 219.445 Leaks: General Requirements
 219.446 Monitoring Program Plan for Leaks
 219.447 Recordkeeping for Leaks
 219.448 Reporting for Leaks
 219.449 Alternative Program for Leaks
 219.450 Sealing Device Requirements
 219.451 Compliance Schedule for Leaks
 219.452

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219.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section
 219.461 Manufacture of Pneumatic Rubber Tires
 219.462 Coating and Spraying Operations
 219.463 Alternative Emission Reduction Systems
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 219.465 Compliance Dates (Repealed)
 219.466 Compliance Plan (Repealed)

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section
 219.480 Applicability
 219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges
 219.482 and Vacuum Dryers
 219.483 Control of Air Dryers, Production Equipment Exhaust Systems and
 219.484 Filters
 219.485 Material Storage and Transfer
 219.486 In-Process Tanks
 219.487 Leaks
 219.488 Other Emission Units
 219.489 Testing
 219.490 Monitoring for Air Pollution Control Equipment
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SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section
 219.500 Applicability for Batch Operations
 219.501 Control Requirements for Batch Operations
 219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual
 219.503 Weighted Average Flow Rate Values for Batch Operations
 219.504 Performance and Testing Requirements for Batch Operations
 219.505 Monitoring Requirements for Batch Operations
 219.506 Reporting and Recordkeeping for Batch Operations
 219.507 Compliance Date
 219.508 Emission Limitations for Air Oxidation Processes
 219.509 Definitions (Repealed)
 219.510 Savings Clause
 219.511 Compliance
 219.512 Determination of Applicability
 219.513 Emission Limitations for Air Oxidation Processes (Renumbered)
 219.514 Testing and Monitoring
 219.515 Compliance Date (Repealed)

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SUBPART W: AGRICULTURE

Section
219.541 Pesticide Exception

SUBPART X: CONSTRUCTION

Section
219.561 Architectural Coatings
219.562 Paving Operations
219.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

Section
219.581 Bulk Gasoline Plants
219.582 Bulk Gasoline Terminals
219.583 Gasoline Refueling Operations - Storage Tank Filling Operations
219.584 Gasoline Delivery Vessels
219.585 Gasoline Volatility Standards
219.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

SUBPART Z: DRY CLEANERS

Section
219.601 Perchloroethylene Dry Cleaners
219.602 Exemptions
219.603 Leaks
219.604 Compliance Dates (Repealed)
219.605 Compliance Plan (Repealed)
219.606 Exception to Compliance Plan (Repealed)
219.607 Standards for Petroleum Solvent Dry Cleaners
219.608 Operating Practices for Petroleum Solvent Dry Cleaners
219.609 Program for Inspection and Repair of Leaks
219.610 Testing and Monitoring
219.611 Exemption for Petroleum Solvent Dry Cleaners
219.612 Compliance Dates (Repealed)
219.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

Section
219.620 Applicability
219.621 Exemption for Waterbase Material and Heatset-Offset Ink
219.622 Permit Conditions
219.624 Open-Top Mills, Tanks, Vats or Vessels
219.625 Grinding Mills

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219.626 Storage Tanks
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219.630 Clean Up
219.636 Compliance Schedule
219.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section
219.640 Applicability
219.642 Emissions Limitation at Polystyrene Plants
219.644 Emissions Testing

SUBPART FF: BAKERY OVENS (Repealed)

Section
219.720 Applicability (Repealed)
219.722 Control Requirements (Repealed)
219.726 Testing (Repealed)
219.727 Monitoring (Repealed)
219.728 Recordkeeping and Reporting (Repealed)
219.729 Compliance Date (Repealed)
219.730 Certification (Repealed)

SUBPART GG: MARINE TERMINALS

Section
219.760 Applicability
219.762 Control Requirements
219.764 Compliance Certification
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219.768 Testing and Monitoring
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SUBPART HH: MOTOR VEHICLE REFINISHING

Section
219.780 Emission Limitations
219.782 Alternative Control Requirements
219.784 Equipment Specifications
219.786 Surface Preparation Materials
219.787 Work Practices
219.788 Testing
219.789 Monitoring and Recordkeeping for Control Devices
219.790 General Recordkeeping and Reporting
219.791 Compliance Date
219.792 Registration
219.875 Applicability of Subpart BB (Renumbered)

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- 219-877 Emissions Limitation at Polystyrene Plants (Renumbered)
 219-879 Compliance Date (Repealed)
 219-881 Compliance Plan (Repealed)
 219-883 Special Requirements for Compliance Plan (Repealed)
 219-886 Emissions Testing (Renumbered)
- SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES
- Section
 219-920 Applicability
 219-921 Permit Conditions
 219-926 Control Requirements
 219-927 Compliance Schedule
 219-928 Testing
- SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES
- Section
 219-940 Applicability
 219-943 Permit Conditions
 219-946 Control Requirements
 219-947 Compliance Schedule
 219-948 Testing
- SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES
- Section
 219-960 Applicability
 219-963 Permit Conditions
 219-966 Control Requirements
 219-967 Compliance Schedule
 219-968 Testing
- SUBPART TT: OTHER EMISSION UNITS
- Section
 219-980 Applicability
 219-983 Permit Conditions
 219-986 Control Requirements
 219-987 Compliance Schedule
 219-988 Testing
- SUBPART UU: RECORDKEEPING AND REPORTING
- Section
 219-990 Exempt Emission Units
 219-991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
 APPENDIX B VOM Measurement Techniques for Capture Efficiency
 APPENDIX C Reference Methods and Procedures
 APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation
 APPENDIX E List of Affected Marine Terminals
 APPENDIX F TRE Index Measurements for SOCM Reactors and Distillation Units
 APPENDIX G Baseline VOM Content Limitations for Subpart F, Section 219.212
 APPENDIX H Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act (415 ILCS 5/10 and 28.5).

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16318, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4212, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6936, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 24, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 26, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 21 Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscripts are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART E: SOLVENT CLEANING

Section 219.182 Cold Cleaning

- a) Operating procedures: No person shall operate a cold cleaning degreaser unless:
- 1) Waste solvent is stored in covered containers only and not disposed of in such a manner that more than 20% of the waste solvent (by weight) is allowed to evaporate into the atmosphere;

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- 2) The cover of the degreaser is closed when parts are not being handled; and
 - 3) Parts are drained until dripping ceases.
 - b) Equipment Requirements: No person shall operate a cold cleaning degreaser unless:
 - 1) The degreaser is equipped with a cover which is closed whenever parts are not being handled in the cleaner; the cover shall be designed to be easily operated with one hand or with the mechanical assistance of springs, counter-weights or a powered system; if the solvent vapor pressure is greater than 2 kPa (15 mmHg or 0.3 psi) measured at 38° C (100° F);
 - 2) The solvent is agitated; or
 - 3) The solvent is heated above ambient room temperature.
 - 2) The degreaser is equipped with a device for draining cleaned parts. The drainage device shall be constructed so that parts are enclosed under the cover while draining unless:
 - A) The solvent vapor pressure is less than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F); or
 - B) An internal drainage device cannot be fitted into the cleaning system, in which case the drainage device may be external.
 - 3) The degreaser is equipped with one of the following control devices: if the vapor pressure of the solvent is greater than 4.3 kPa (32 mmHg or 0.6 psi) measured at 38° C (100° F) or if the solvent is heated above 50° C (120° F) or its boiling point:
 - A) A freeboard height of 7/10 of the inside width of the tank or 91 cm (36 in), whichever is less; or
 - B) Any other equipment or system of equivalent emission control as approved by the Agency and further processed consistent with Section 219.108 of this Part. Such a system may include a water cover, refrigerated chiller or carbon absorber.
 - 4) A permanent conspicuous label summarizing the operating procedure is affixed to the degreaser; and
 - 5) If a solvent spray is used, the degreaser is equipped with a solid fluid stream spray, rather than a fine, atomized or shower spray.
- c) Material Requirements:
- 1) On and after March 15, 1999, no person shall:
 - A) Cause or allow the sale of solvent with a vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 218-103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 2.0 mmHg (0.038 psi) measured at 20° C (68° F).

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- 2) On and after March 15, 2001, no person shall:
 - A) Cause or allow the sale of solvent with a vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F) in units greater than five (5) gallons, for use in cold cleaning degreasing operations located in the area covered by Section 219.103 218-103 of this Part.
 - B) Operate a cold cleaning degreaser with a solvent vapor pressure which exceeds 1.0 mmHg (0.019 psi) measured at 20° C (68° F).
 - d) Recordkeeping Requirements: On and after March 15, 1999:
 - 1) All persons subject to the requirements of subsections (c)(1)(A) and (c)(2)(A) of this Section must maintain records which include for each sale:
 - A) The name and address of the solvent purchaser;
 - B) The date of sale;
 - C) The type of solvent;
 - D) The unit volume of solvent;
 - E) The total volume of solvent; and
 - F) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).
 - 2) All persons subject to the requirements of subsections (c)(1)(B) and (c)(2)(B) of this Section must maintain records which include for each purchase:
 - A) The name and address of the solvent supplier;
 - B) The date of purchase;
 - C) The type of solvent; and
 - D) The vapor pressure of the solvent measured in mmHg at 20° C (68° F).
 - e) All records required by subsection (d) of this Section shall be retained for three years and shall be made available to the Agency upon request.
 - f) Cleaning of electronic components as defined in 35 Ill. Adm. Code 211.1885 is exempt from the requirements of subsection (c) of this Section.
 - g) Any cold cleaning taking place in a tetraethyl batch degreaser Model 420-CC-SPL Size 24-4-10, or substantial equivalent, including automated loading of parts, totally enclosed operation (excluding loading or unloading) and permitted by the Agency, is exempt from the requirements of subsection (c) of this Section.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)
- SUBPART F: COATING OPERATIONS
- Section 219.204 Emission Limitations
- Except as provided in Sections 219.205, 219.207, 219.208, and 219.212, 219.215

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and 219.216 of this Subpart, no owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds the following emission limitations for the specified coating. Except as provided in Section 219.204(l), compliance with the emission limitations marked with an asterisk in this Section is required on and after March 15, 1996. Compliance with emission limitations not marked with an asterisk is required until March 15, 1996. The following emission limitations are expressed in units of VOM per volume of coating solids deposited, which are specifically exempted from the definition of VOM as applied at each coating application, except as noted. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the VOM content of the coating composition. Compliance with this Subpart must be demonstrated through the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(c) of this Subpart except where noted. (Note: The equation presented in Section 219.206 of this Part shall be used to calculate emission limitations for determining compliance by add-on controls, credits for transfer efficiency, emission trades and cross-line averaging.) The emission limitations are as follows:

a) Automobile or Light-Duty Truck Coating	kg/l	lb/gal
1) Primer coat	0.14 (1.2)*	0.14* (1.2)*
2) Primer surfacer coat	1.81 (15.1)*	1.81* (15.1)*

(Note: The primer surfacer coat limitation is in units of kg (lbs) or volume (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average of all primer surfacer operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 does not apply to the primer surfacer limitation.)

3) Topcoat	kg/l	lb/gal
	1.81 (15.1)*	1.81* (15.1)*

(Note: The topcoat limitation is in units of kg (lbs) of VOM per 1 (gal) of coating solids deposited. Compliance with the limitation shall be based on the daily-weighted average from an

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entire topcoat operation. Compliance shall be demonstrated in accordance with the topcoat protocol referenced in Section 219.105(b) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(f). Testing to demonstrate compliance shall be performed in accordance with the topcoat protocol and a detailed testing proposal approved by the Agency and USEPA specifying the method of demonstrating compliance with the protocol. Section 219.205 of this Part does not apply to the topcoat limitation.)

4) Final repair coat	kg/l	lb/gal
	0.58 (4.8) 0.58*	0.58 (4.8) 0.58*
b) Can Coating	kg/l	lb/gal
1) Sheet basecoat and overvarnish		
A) Sheet basecoat	0.34 (2.8) 0.34	0.34 (2.8) 0.34
B) Overvarnish	0.34 (2.8) 0.34	0.34 (2.8) 0.34
2) Exterior basecoat and overvarnish	0.34 (2.8) 0.34	0.34 (2.8) 0.34
3) Interior body spray coat	0.51 (4.2) 0.44*	0.51 (4.2) 0.44*
A) Two piece	0.51 (4.2) 0.51	0.51 (4.2) 0.51
B) Three piece	0.51 (4.2) 0.51	0.51 (4.2) 0.51
4) Exterior end coat	0.51 (4.2) 0.51	0.51 (4.2) 0.51
5) Side seam spray coat	0.66 (5.5) 0.66*	0.66 (5.5) 0.66*
6) End sealing compound coat	0.44 (3.7) 0.44*	0.44 (3.7) 0.44*
c) Paper Coating	kg/l	lb/gal
	0.35 (2.9) 0.28*	0.35 (2.9) 0.28*

(Note: The paper coating limitation shall not apply to any owner or operator of any paper coating line on which printing is conducted. The paper coating line complies with the emission limitations in Subpart H: Printing and Publishing, Sections 219.401 of this Part.)

d) Coil Coating	kg/l	lb/gal
	0.31 (2.6) 0.29*	0.31 (2.6) 0.29*
e) Fabric Coating	0.35 (2.9)	0.35 (2.9)

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system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system or high volume low pressure (HVLP) application system.)

- 2) On and after March 15, 1998, wood furniture sealers and topcoats must comply with one of the limitations specified in subsections (1)(2)(A) through (E), below:

kg VOC/kg solids lb VOC/lb solids

A) Topcoat 0.8 (0.8)

B) Sealers and topcoats with the following limits:

i) Non-acid cured alkyl amino vinyl sealer 1.9 (1.9)

ii) Non-acid-cured alkyl amino conversion varnish 1.8 (1.8)

iii) Acid-cured alkyl amino vinyl sealer 2.3 (2.3)

iv) Acid-cured alkyl amino conversion varnish 2.0 (2.0)

- C) Meet the provisions of Section 219.215 of this Subpart for use of an averaging approach.
- D) Achieve a reduction in emissions equivalent to the requirements of Section 219.204(1)(2)(A) or (B) of this Subpart, as calculated using Section 219.216 of this Subpart; or
- E) Use a combination of the methods specified in Section 219.204(1)(2)(A) through (D) of this Subpart.
- 3) Other wood furniture coatings limitations on and after March 15, 1998:

kg/lb lb/gal

A) Opaque stain 0.56 (4.7)

B) Non-topcoat pigmented coat 0.80 (6.6)

C) Repair coat 0.72 (5.9)

D) Semi-transparent stain 0.72 (6.6)

E) Wash coat 0.72 (6.1)

- 4) Other wood furniture coatings requirements on and after March 15, 1998:
- A) No source subject to the limitations of subsection (1)(2) or (3) of this Section and utilizing one or more wood

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furniture coating spray booths shall use strippable spray booth coatings containing more than 0.8 kg solids (0.8 lb VOC/lb solids), as applied.

- B) Any source subject to the limitations of subsection (1)(2) or (3) of this Section shall comply with the requirements of Section 219.217 of this Subpart.
- C) Any source subject to the limitations of subsection (1)(2)(A) or (B) of this Section and utilizing one or more continuous coatlines, shall for each continuous coatline use an initial coating which complies with the limitations of subsection (1)(2)(A) or (B) of this Section. The residue of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The owner or operator shall:
- i) Monitor the viscosity of the coating in the reservoir with a viscosity meter or by testing the viscosity of the initial coating and retesting the coating in the reservoir each time solvent is added.
- ii) Collect and record the reservoir viscosity and the amount and weight of VOC per weight of solids of coating and solvent each time coating or solvent is added; and
- iii) Maintain these records at the source for a period of three years.

m) Plastic Parts Coating: Automotive/Transportation

kg/lb lb/gal

1) Interiors

A) Baked

i) Color coat 0.49* (4.1)*

ii) Primer 0.46* (3.8)*

B) Air Dried

i) Color coat 0.38* (3.2)*

ii) Primer 0.42* (3.5)*

2) Exteriors (flexible and non-flexible)

A) Baked

i) Primer 0.60* (5.0)*

ii) Primer non-flexible 0.54* (4.5)*

iii) Clear coat 0.52* (4.3)*

iv) Color coat 0.55* (4.6)*

B) Air Dried

i) Primer 0.66* (5.5)*

ii) Clear coat 0.54* (4.5)*

iii) Color coat 0.67* (5.6)*

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(red & black)	
iv) Color coat (others)	0.61* (5.1)*
3) Specialty	
A) Vacuum metallizing basecoats, texture basecoats	0.66* (5.5)*
B) Black coatings, reflective argnet coatings, air bag cover coatings, and soft coatings	0.71* (5.9)*
C) Gloss reducers, vacuum metallizing topcoats, and texture topcoats	0.77* (6.4)*
D) Stencil coatings, adhesion primers, ink pad coatings, electrostatic prep coatings, and resist coatings	0.82* (6.8)*
E) Hard temp lens coatings	0.89* (7.4)*

n) Plastic Parts Coating: Business Machine

1) Primer	kg/L lb/gal
2) Color coat (non- texture coat)	0.14* (1.2)*
3) Color coat (texture coat)	0.28* (2.3)*
4) Electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings	0.28* (2.3)*
5) Specialty Coatings	0.48* (4.0)*
A) Soft coat	
B) Plating resist	0.52* (4.3)*
C) Plating sensitizer	0.71* (5.9)*
	0.85* (7.1)*

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.205 Daily-Weighted Average Limitations

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No owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart and complying by means of this Section shall operate this subject coating line unless the owner or operator has demonstrated compliance with subsection (a) (b) (c) (d) (e) (f) (g) (h) or (i) of this Section (depending upon the category of coating) and the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(d) of this Subpart:

- No owner or operator of a coating line subject to only one of the limitations from among Section 219.204(a)(1), (a)(4), (c), (d), (e), (f), or (i) of this Subpart shall apply coatings on any such coating line, during any day, whose whole daily-weighted average VOM content exceeds the emission limitation to which the coatings are subject.
- No owner or operator of a miscellaneous metal parts and products coating line subject to the limitations of Section 219.204(j) of this Subpart shall apply coatings to miscellaneous metal parts or products on the subject coating line unless the requirements in subsection (b)(1) or (b)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(j) of this Subpart during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(j) of this Subpart during the same day, the owner or operator shall have a VOM content limit for each category of coating applied by the owner or operator as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy), 51 Fed. Reg. 43814 (December 4, 1986), must be satisfied.

- No owner or operator of a can coating line subject to the limitations of Section 219.204(b) of this Subpart shall operate the subject coating line using a coating with a VOM content in excess of the limitations specified in Section 219.204(b) of this Subpart unless all of the following requirements are met:

1) An alternative daily emission limitation for the can coating operation, i.e. for all of the can coating lines at the source, shall be determined according to subsection (c)(2) of this Section. Actual daily emissions shall never exceed the alternative daily emission limitation and shall be calculated by use of the following equation.

$$E(d) = \sum V(i)C(i)$$

n

=

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where:

$E(d)$ = Actual VOM emissions for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of coatings applied in the can coating operation, i.e. all can coating lines at the source;

$V(i)$ = Volume of each coating applied for the day in units of l/day (gal/day) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$C(i)$ = The VOM content of each coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

2) The alternative daily emission limitation ($A(d)$) shall be determined for the can coating operation, i.e. for all of the can coating lines at the source, on a daily basis as follows:

$$A(d) = \sum_{i=1}^n V(i) L(i) \frac{D(i) - C(i)}{D(i) - L(i)}$$

where:

$A(d)$ = The VOM emissions allowed for the day in units of kg/day (lbs/day);

i = Subscript denoting a specific coating applied;

n = Total number of surface coatings applied in the can coating operation;

$C(i)$ = The VOM content of each surface coating as applied in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$D(i)$ = The density of VOM in each coating applied. For the purposes of calculating $A(d)$, the density is 0.892 kg VOM/l VOM (7.36 lbs VOM/gal VOM);

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$V(i)$ = Volume of each surface coating applied for the day in units of l (gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM);

$L(i)$ = The VOM emission limitation for each surface coating applied as specified in Section 219.204(b) of this Subpart in units of kg VOM/l (lbs VOM/gal) of coating (minus water and any compounds which are specifically exempted from the definition of VOM).

d) No owner or operator of a heavy off-highway vehicle products coating line subject to the limitations of Section 219.204(k) of this Subpart shall apply coatings to heavy off-highway vehicle products on the subject coating line unless the requirements of subsection (d)(1) or (d)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(k) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l (3.5 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(k) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emission Trading Policy Statement (the "satisfied policy") 51 Fed Reg 43814 (October 4, 1986) must be satisfied.

e) No owner or operator of a wood furniture coating line subject to the limitations of Section 219.204(l)(1) or (l)(3) of this Subpart shall apply coatings to wood furniture on the subject coating line unless the requirements of subsection (e)(1) or (e)(2) of this Section, in addition to the requirements specified in the note to Section 219.204(l)(1) of this Subpart, are met.

1) For each coating line which applies multiple coating, all of which are subject to the same numerical emission limitation within Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.67 kg/l (5.6 lbs/gal)), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used; or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(l)(1) or (l)(3) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and approved by the USEPA as a SIP revision. To receive

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approval, the requirements of USEPA's Emissions Trading Policy Statement and related policy) 51 Fed. Reg. 43814 (December 4, 1986) must be satisfied.

- f) No owner or operator of a plastic parts coating line subject to the limitations of Section 219.204(a) or (n) of this Subpart shall apply coatings to business machine or automotive/transportation plastic parts on the subject coating line unless the requirements of subsection (f)(1) or (f)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(m) or (n) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.42 kg/l [3.5 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(m) or (n) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- g) No owner or operator of a metal furniture coating line subject to the limitations of Section 219.204(g) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (g)(1) or (g)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(g) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l [f2.8 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(g) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

- h) No owner or operator of a large appliance coating line subject to the limitations of Section 219.204(h) of this Subpart shall apply coatings on the subject coating line unless the requirements of subsection (h)(1) or (h)(2) of this Section are met.

1) For each coating line which applies multiple coatings, all of which are subject to the same numerical emission limitation within Section 219.204(h) of this Subpart, during the same day (e.g., all coatings used on the line are subject to 0.34 kg/l

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(f2.8 lbs/gal]), the daily-weighted average VOM content shall not exceed the coating VOM content limit corresponding to the category of coating used, or

- 2) For each coating line which applies coatings subject to more than one numerical emission limitation in Section 219.204(h) of this Subpart, during the same day, the owner or operator shall have a site specific proposal approved by the Agency and USEPA as a SIP revision. To receive approval, the requirements of USEPA's Emissions Trading Policy Statement (and related policy) must be satisfied.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.210 Compliance Schedule

Every owner or operator of a coating line (of a type included within Section 219.204 of this Subpart) shall comply with the requirements of Section 219.204, 219.205, 219.207 or 219.208 and Section 219.211 or Sections 219.212 and 219.213 of this Subpart in accordance with the appropriate compliance schedule as specified in subsection (a), (b), (c), (d), (e) or (f) below:

- a) No owner or operator of a coating line which is exempt from the limitations of Section 219.204 of this Subpart because of the criteria in Section 219.208(a) or (b) of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Section 219.211(b) of this Subpart. Wood furniture-coating lines are not subject to Section 219.211(b) of this Subpart.
- b) No owner or operator of a coating line complying by means of Section 219.204 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part unless the owner or operator has complied with, and continues to comply with, Sections 219.204 and 219.211(c) of this Subpart.
- c) No owner or operator of a coating line complying by means of Section 219.205 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.205 and 219.211(d) of this Subpart.
- d) No owner or operator of a coating line complying by means of Section 219.207 of this Subpart shall operate said coating line on or after a date consistent with Section 219.106 of this Part, unless the owner or operator has complied with, and continues to comply with, Sections 219.207 and 219.211(e) of this Subpart.
- e) No owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, choosing to comply by means of Section 219.204, 219.205 or 219.207 of this Subpart, shall operate said

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coating line on or after March 15, 1996, unless the owner or operator complies with and continues to comply with, respectively, the applicable requirements in Section 219.204, or the alternative control options in Sections 219.205 or 219.207 and the requirements of Section 219.211.

- f) The owner or operator of a coating line subject to one or more of the emission limitations contained in Section 219.204 of this Subpart on or after March 15, 1996, who chooses to comply by means of Section 219.212 of this Subpart, shall operate said coating line in accordance with the requirements of Section 219.204 of this Subpart on or after March 15, 1996, unless the owner or operator complies with and continues to comply with the requirements of Sections 219.212 and 219.213 of this Subpart.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.211 Recordkeeping and Reporting

- a) The VOM content of each coating and the efficiency of each capture system and control device shall be determined by the applicable test methods and procedures specified in Section 219.105 of this Part to establish the records required under this Section.
- b) Any owner or operator of a coating line which is exempted from the limitations of Section 219.204 of this Subpart Part because of Section 219.208(a) or (b) of this Subpart Part shall comply with the following:

1) For sources exempt from Section 219.208(a) of this Subpart, by a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines referenced in subsection (b) of this Section shall certify to the Agency that the group of coating lines is exempt under the provisions of Section 219.208(a) of this Subpart Part. Such certification shall include:

- A) A declaration that the coating line is exempt from the limitations of Section 219.204 of this Subpart Part because of Section 219.208(a) of this Subpart Part; and
- B) Calculations which demonstrate that the combined VOM emissions from the coating line and all other coating lines in the same category never exceed 6.8 kg (15 lbs) per day before the application of capture systems and control devices. The following equation shall be used to calculate total VOM emissions:

$$T(e) = \sum_{j=1}^m \text{SUM } (A(i) B(i) \{j\})$$

where:

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T(e) = Total VOM emissions from coating lines systems and control devices in units of kg/day (lbs/day);

m = Number of coating lines at the source that the owner or operator would be subject to the emission limitations of Section 219.104 of this Part (because they belong to the same category);

e.g., can coating);

j = Subscript denoting an individual coating line;

n = Number of different coatings as applied each day on each coating line;

i = Subscript denoting an individual coating;

A(i) = Weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line in units of kg VOM/l (lbs VOM/gal);

B(i) = Volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line in units of l/day (gal/day). The instrument or method by which the owner or operator accurately measured or calculated the volume of each coating as applied on each coating line each day shall be described in the certification to the Agency.

- 2) For sources exempt under Section 219.208(b) of this Subpart, by March 15, 1996, or upon initial startup, the owner or operator shall submit to the Agency the following information: subsection (b) of this Section shall certify to the Agency that the source is exempt under the provisions of Section 219.208(b) of this Subpart. Such certification shall include:

- A) A declaration that the source is exempt from the limitations of Section 219.204(1) of this Subpart because of Section 219.208(b) of this Subpart; and
- B) Calculations which demonstrate that the source meets the criteria of exemption because of Section 219.208(b) of this Subpart.

3) For sources exempt under Section 219.208(a) of this Subpart, on and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of lines referenced in this subsection shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line, and

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B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

4) For sources exempt under Section 219.208(b) of this Subpart, on and after March 15, 1998, the owner or operator of a coating line or group of coating lines referenced in this subsection (b) shall collect and record all of the following information for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line; and
B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied on each coating line on a monthly basis.

5) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a coating line or group of coating lines exempt from the limitations of Section 219.204(a) of this Subpart shall notify the Agency of any record showing that total VOM emissions from the coating line or group of coating lines exceed 6.8 kg (15 lbs) in any day before the application of capture systems and control devices by sending a copy of such record to the Agency within 30 days after the exceedance occurs.

6) On and after March 15, 1998, any owner or operator of a source exempt from the limitations of Section 219.204(l) of this Subpart because of Section 219.208(b) of this Subpart shall notify the Agency if the source's VOM emissions exceed the limitations of Section 219.208(b) of this Subpart by sending a copy of calculations showing such an exceedance within 30 days after the change occurs.

c) Any owner or operator of a coating line subject to the limitations of Section 219.204 of this Subpart Part other than Section 219.204(a)(2) and (a)(3) of this Subpart and complying by means of Section 219.204 of this Subpart Part shall comply with the following:

1) By a date consistent with Section 219.106 of this Part, or upon method of compliance from an existing subject coating line from Section 219.2051 or Section 219.207, Section 219.215, or Section 219.216 of this Subpart to Section 219.204 of this Subpart Part; the owner or operator of a subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.204 of this Subpart Part on and after a date consistent with Section 219.106 of this Part, or on and after the date of the Agency's Subpart Part certification shall include:

A) The name and identification number of each coating as applied on each coating line;

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B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line; and-

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.

2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line and complying by means of Section 219.204 shall collect and record all of the following information each day for each coating line and maintain the information at the source for a period of three years:

A) The name and identification number of each coating as applied on each coating line; and
B) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.

C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(l)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line and certified product data sheets for each coating; and

D) On and after March 15, 1998, for wood furniture coating spray booths subject to the limitation of Section 219.204(l)(4)(A) of this Subpart, the weight of VOM per weight of solids in each strippable spray booth coating as applied each day on each spray booth and certified product data sheets for each coating.

3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:

A) Any record showing violation of Section 219.204 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days following the occurrence of the violation

B) At least 30 calendar days before changing the method of compliance from Section 219.204 to Section 219.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (d)(1) or (e)(1) below, respectively, 219.204 to Section 219.205 or compliance 219.204 to Section 219.205 of this Subpart Part, respectively, 219.204 to Section 219.205 of this Subpart Part; the owner or operator shall comply with all requirements of subsection (d) or (e) of this Section, respectively.

d) Any owner or operator of a coating line subject to the limitations of

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Section 219.204 of this Subpart Part and complying by means of Section 219.205 of this Subpart Part shall comply with the following:

- 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing subject coating line from Section 219.204 or Section 219.207 to Section 219.205 of this Subpart Part, the owner or operator of the subject coating line shall certify to the Agency that the coating line will be in compliance with Section 219.205 on and after a date consistent with 219.106 of this Part, or on and after the initial start-up date. Such certification shall include:
 - A) The name and identification number of each coating line which will comply by means of Section 219.205 of this Subpart Part.
 - B) The name and identification number of each coating as applied on each coating line.
 - C) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - D) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
 - E) The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - F) The method by which the owner or operator will create and maintain records each day as required in subsection (d)(2) of this Section.
 - G) An example of the format in which the records required in subsection (d)(2) of this Section will be kept.
- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating line shall collect and record all of the following information at the source for a period of three years:
 - A) The name and identification number of each coating as applied on each coating line.
 - B) The weight of VOM per volume and the volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line.
 - C) On and after March 15, 1998, for coating lines subject to the limitations of Section 219.204(1)(2)(A) or (B) of this Subpart, the weight of VOM per weight of solids in each coating as applied each day on each coating line.
 - D) The daily-weighted average VOM content of all coatings as

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applied on each coating line as defined in Section 219.104 of this Part.

- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the Agency in the following instances:
 - A) Any record showing violation of Section 219.205 of this Subpart Part shall be reported by sending a copy of such record to the Agency within 30 days, following the occurrence of the violation.
 - B) At least 30 calendar days before changing the method of compliance with this Subpart Part from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c)(1) or (e)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart Part from Section 219.205 to Section 219.204 or Section 219.207 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (e) of this Section, respectively.
 - E) Any owner or operator of a coating line subject to the limitations of Section 219.207 and complying by means of Section 219.207(c), (d), (e), (f), (g) or (h) of this Subpart Part shall comply with the following:
 - 1) By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating line, or upon changing the method of compliance for an existing coating line from Section 219.204 or Section 219.205 to Section 219.207 of this Subpart Part, the owner or operator of the subject coating line shall perform all tests and submit to the Agency the results of all tests and calculations necessary to demonstrate that the subject coating line will be in compliance with Section 219.207 of this Subpart Part on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date.
 - 2) On and after the date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a coating line shall collect and record all of the following information at the source for a period of three years:
 - A) The weight of VOM per volume of each coating solids as applied on each coating line.
 - B) The weight of VOM per volume of each coating as applied on each coating line.
 - C) Control device monitoring data.
 - D) A log of operating time for the capture system, control device, monitoring equipment and the associated coating line.
 - E) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

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- 3) On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating line shall notify the agency in the following instances:
- Any record showing violation of Section 219.207 of this Subpart shall be reported by sending a copy of such Subpart to the Agency within 30 days following the occurrence of the violation.
 - At least 30 calendar days before changing the method of compliance with this Subpart from Section 219.207 to Section 219.204 or Section 219.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection 9(c)(1) or (d)(1) of this Section, respectively. Upon changing the method of compliance with this Subpart pursuant to Section 219.207 to Section 219.204 or Section 219.205 of this Subpart Part, the owner or operator shall comply with all requirements of subsection (c) or (d) of this Section, respectively.
 - Any owner or operator of a primer surface operation or topcoat operation subject to the limitations of Section 219.204(a)(2) or (a)(3) of this Subpart Part shall comply with the following:
 - By a date consistent with Section 219.106 of this Part, or upon initial start-up of a new coating operation, the owner or operator of a subject coating operation shall certify to the Agency that the operation will be in compliance with Section 219.204 of this Subpart Part on and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date. Such certification shall include:
 - The name and identification number of each coating operation which will comply by means of Section 219.204(a)(2) and (a)(3) of this Subpart Part and the name and identification number of each coating operation which will comply by means of Section 219.204(a)(2) and (a)(3) of this Subpart Part.
 - The name and identification number of each coating operation applied on each coating line in the coating operation.
 - The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line. The transfer efficiency and control efficiency measured for each coating line.
 - Test reports, including raw data and calculations documenting the testing performed to measure transfer efficiency and control efficiency.
 - The instrument or method by which the owner or operator will accurately measure or calculate the volume of each coating as applied each day on each coating line.
 - The method by which the owner or operator will create and maintain records each day as required in subsection (f)(2) below.
 - An example format for presenting the records required in

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- 2) On and after a date consistent with Section 219.106 of this Part, or on and after the initial start-up date, the owner or operator of a subject coating operation shall collect and record all of the following information each day for each topcoat or primer surface coating operation: maintain the information at the source for a period of three years.
- Any information necessary to calculate the daily-weighted average VOM emissions from the coating operations in (lbs) per 1 (gal) of coating solids deposited in accordance with the proposal submitted, and approved pursuant to Section 219.204(a)(2) or (a)(3) of this Subpart Part including:
 - The name and identification number of each coating as applied on each coating operation.
 - The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating operation.
 - If a control device(s) is used to control VOM emissions, control device monitoring data; a log of operating time for the capture system, control device, monitoring equipment and the associated coating operation; and a maintenance log for the capture system, control device and monitoring equipment, detailing all routine and non-routine maintenance performed including dates and duration of any outages.
 - On and after a date consistent with Section 219.106 of this Part or on and after the initial start-up date, the owner or operator of a subject coating operation shall determine and record the daily VOM emissions in Kg/(lbs) per 1 (gal) of coating solids deposited. The owner or operator shall submit and approved pursuant to Section 219.204(a)(2) or (a)(3) of this Subpart Part within 10 days from the end of each month maintain this information at the source for a period of three years.
 - On and after a date consistent with Section 219.106 of this Part, the owner or operator of a subject coating operation shall notify the Agency in the following instances:
 - Any record showing a violation of Section 219.204(a)(2) or (a)(3) of this Subpart Part shall be reported by sending a copy of such record to the Agency within 15 days from the end of the month in which the violation occurred.
 - The owner or operator shall notify the Agency of any change to the operation at least 30 days before the change is effected. The Agency shall determine whether or not compliance testing is required. If the Agency determines that compliance testing is required, then the owner or operator shall submit a testing proposal to the Agency within 30 days and test within 30 days of the approval of

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the proposal by the Agency and USEPA.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 219.215 Wood Furniture Coating Averaging Approach

- a) On and after March 15, 1998, any owner or operator of a source subject to the limitations of Section 219.204(1) of this Subpart may elect to comply with the requirements of this Section and the limitations set forth in Section 219.204(1)(2)(A) or (B) of this Subpart. The source must continue to comply with the limitations set forth in Section 219.204(1)(3) and (4) of this Subpart. A source electing to rely on this Section to demonstrate compliance with the requirements of this Subpart shall operate pursuant to federally enforceable permit conditions approved by the Agency and USEPA.

- b) An owner or operator of a source subject to the limitations of Section 219.204(1) of this Subpart and electing to rely on this Section to demonstrate compliance with this Subpart must establish, by use of subsection (b)(1) or (b)(2) of this Section, that, on a daily basis, actual emissions from the affected source are less than or equal to ninety percent of the allowable emissions, that is $V(a) < V(p)$:

1) Option I:

$$A) \quad V(a) = \sum_{i=1}^n \frac{V_i(a)}{n} = \sum_{i=1}^n \frac{V_i(a)}{n} \left[\frac{ER(TC(i)) \times TC(i)}{1} \right]; \text{ and}$$

$$B) \quad V(p) = 0.9 \times \sum_{i=1}^n \frac{V_i(p)}{n} = 0.9 \times \sum_{i=1}^n \frac{V_i(p)}{n} \left[\frac{0.8 \times TC(i)}{1} \right]$$

2) Option II:

$$A) \quad V(a) = \sum_{i=1}^n \frac{V_i(a)}{n} = \sum_{i=1}^n \frac{V_i(a)}{n} \left[\frac{ER(TC(i)) \times TC(i)}{1} + \frac{ER(SE(i)) \times SE(i)}{1} + \frac{ER(MC(i)) \times MC(i)}{1} + \frac{ER(PC(i)) \times PC(i)}{1} + \frac{ER(ST(i)) \times ST(i)}{1} \right]; \text{ and}$$

$$B) \quad V(p) = 0.9 \times \sum_{i=1}^n \frac{V_i(p)}{n} = 0.9 \times \sum_{i=1}^n \frac{V_i(p)}{n} \left[\frac{(0.8 \times TC(i))}{1} + \frac{(1.9 \times SE(i))}{1} + \frac{(0.791 \times MC(i))}{1} + \frac{(1.2 \times PC(i))}{1} + \frac{(0.791 \times ST(i))}{1} \right]$$

where:

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= Actual VOM emissions from the source;

= 90% of the allowable VOM emissions from the source;

= Number of different wood furniture coatings as

applied each day on each coating line;

= Subscript denoting an individual coating;

= Kilograms of solids in tocoat "i" used;

= Kilograms of solids in wash coat "i" used;

= Kilograms of solids in non-tocoat pigmented coat "i" used;

= Liters of stain "i" used;

= VOM content of tocoat "i" in kg VOM/kg solids, as

applied;

= VOM content of sealer "i" in kg VOM/kg solids, as

applied;

= VOM content of washcoat "i" in kg VOM/kg solids, as

applied;

= VOM content of non-tocoat pigmented coat "i" in

kg VOM/kg solids, as applied;

= VOM content of stain "i" in kg VOM/liter (kg/l), as

applied.

- c) Within the structure of the source's federally enforceable permit conditions, an owner or operator of a source electing to rely on this Section to demonstrate compliance with this Subpart shall provide to the Agency:

- 1) The name and identification number of each participating coating line;
- 2) The name and identification number of each coating as applied on each participating coating line;
- 3) A summary of how averaging will be used to meet the emission limitations;
- 4) Documentation that $V(a) < V(p)$, as calculated in subsection (b)(1) or (2) of this Section;
- 5) A description of which types of coating materials will be included in the source's averaging program, which may include basecoat, sealer, tocoats, washcoats, and tocoats. Coating materials that are applied only in continuous coats may be used in an averaging program only if the source can determine the amount of coating used each day;
- 6) A description of methods and procedures for quantifying emissions on a daily basis, including methods to determine the VOM content of each coating and the daily usage of each coating; and
- 7) A summary of the monitoring, record-keeping, and reporting procedures that will be used to demonstrate daily compliance with the inequalities in subsections (b)(1) and (2) of this Section. These procedures shall be structured such that the Agency and the owner or operator of the source can determine the source's

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d) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:

- 1) The name and identification number of each coating as applied on the coating line;
 - 2) The weight of VOM per weight of solids (kg VOM/kg solids) and the weight of solids (kg) of each coating as applied on each coating line on a daily basis;
 - 3) Certified product data sheets for each finishing material; and
 - 4) The calculations showing the source has met the conditions of the inequalities in subsection (b)(1) or (2) of this Section.
- e) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall:
- 1) Notify the Agency within 30 calendar days following an occurrence of a violation of this Section; and
 - 2) Send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.
- f) At least 30 calendar days before changing the method of compliance, the owner or operator of a source electing to rely on this Section shall first obtain written approval from the Agency. The owner or operator of a source relying on this Section to demonstrate compliance with this Subpart for one or more wood furniture coating lines shall:
- 1) Comply with all requirements of Section 219.211(c)(1) of this Subpart; and
 - 2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 219.216 Wood Furniture Coatings Add-On Control Use

The owner or operator of a source subject to the requirements of Section 219.204(1)(2) of this Subpart may choose to comply with those limitations by relying on Section 219.204(1)(2)(D) of this Subpart if the owner or operator of the source meets all of the following requirements:

- a) For each coating applied, determine the overall control efficiency needed to demonstrate compliance using the following equation:

$$R = [(C - L)/C] \times 100$$

where:

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R = the necessary overall capture and control efficiency of the control system, as a percentage;

C = the VOM content of the coating, in kilograms of VOM per kilograms of coating solids (kg VOM/kg solids), as applied;

L = the emission limitation for that coating, as given in Section 219.204(1)(2)(B) of this Subpart.

- b) Calculate the equivalent overall capture and control efficiency of the control device using the procedures of subsections 219.105(c), (d), and (e) of this Part.
- c) Demonstrate that the equivalent overall capture and control efficiency calculated using the procedures in subsections 219.105(c), (d), and (e) of this Part is equal to or greater than the largest value of R calculated for each coating by the equation in subsection (a) of this Section.
- d) Install, calibrate, operate, and maintain the applicable monitoring equipment for the control device as specified in Section 219.105(d) of this Part.
- e) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall, for each coating line relying on this Section, collect and record the following information on a daily basis and maintain the information at the source for a period of three years:
 - 1) The name and identification number of each coating as applied on the coating line;
 - 2) The weight of VOM per weight of solids (kg VOM/kg solids) of each coating as applied on each coating line on a daily basis;
 - 3) Certified product data sheets for each coating;
 - 4) Control device monitoring data;
 - 5) A log of operating time for the capture system, control device, monitoring equipment and the associated coating lines and;
 - 6) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.
- f) On and after March 15, 1998, or on and after the initial start-up date, the owner or operator of a source electing to rely on this Section to comply with the requirements of this Subpart shall:
 - 1) Notify the Agency within 30 calendar days following an occurrence of a violation of this Section; and
 - 2) Send to the Agency any record showing a violation of this Section within 30 calendar days following the occurrence of a violation.
- g) At least 30 calendar days before changing the method of compliance with this Subpart from reliance on this Section to reliance on Section 219.204(1)(2)(A) or (B) of this Subpart, the owner or operator of a

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source relying on this Section to demonstrate compliance with this Subpart for one or more wood furniture coating lines shall:

- 2) Subpart: Add all requirements of Section 219.204(c)(1) of this Subpart; and
- 2) Certify that all remaining coating lines relying on this Section to comply with the requirements of this Subpart, if any, comply and continue to comply with the requirements of this Section.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 219.217 Wood Furniture Coating Work Practice Standards

- a) Spray booth cleaning. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall not use compounds containing more than 8.0 percent, by weight, of VOM for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the affected source shall use no more than 1.0 gallon of organic solvent to prepare the booth prior to applying the booth coating.

- b) Cleaning and storage requirements. Each owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall:
 - 1) Sweep, store, and dispose of all coating, cleaning, and washoff materials in closed containers;
 - 2) Pump or drain all organic solvent used for line cleaning into closed containers;
 - 3) Collect all organic solvent used to clean spray guns in closed containers; and

- 4) Control emissions from washoff operations by using closed tanks.

- c) Application equipment requirements. No owner or operator of a source subject to the limitations of Section 219.204(l) of this Subpart shall use conventional air spray guns to apply coating materials to wood furniture except under the circumstances specified in subsections (c)(1) through (4) of this Section:

- 1) To apply coating materials that have a VOM content no greater than 1.0 lb VOM/lb solids (1.0 lb VOM/lb solids), as applied;
- 2) For repair coating under the following circumstances:
 - A) The coating materials are applied after the completion of the coating operation; or
 - B) The coating materials are applied after the stain and before any other type of coating material is applied, and the coating materials are applied from a container that has a volume of no more than 2.0 gallons;

- 3) If the spray gun is aimed and triggered automatically, rather

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than manually; or

- 4) If emissions from the finishing application station are directed to a control device pursuant to Section 219.216 of this Subpart.

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 Ill. Adm. Code 301
- 3) Section Numbers: Proposed Action:
301.80 Amendment
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et. seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal office: October 1, 1997.
- 9) Notice of Proposal Published in Illinois Register: April 25, 1997, 21 Ill. Reg. 5006
- 10) Has JCPR issued a Statement of Objection to these rules? No
- 11) Difference between Proposal and final version: Minor editing changes were made in accordance with the technical suggestions made by JCPR.
- 12) Have all changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and Purpose of These Amendments: The Department is amending this Part to require that relatives, with whom the Department places children for whom it is legally responsible, authorize a check of the Statewide Child Sex Offender Registry as part of the background check and to delete a requirement that relatives complete an application for Aid to Families with Dependent Children (AFDC) as a condition of placement funding.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Ms. Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715

The full text of the adopted rule begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER 1: SERVICE DELIVERY

PART 301
PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
301.2 Definition (Repealed)
301.3 Foster Care Placement Goal (Renumbered)
301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
301.11 Definitions
301.20 Introduction
301.30 Legal Authority to Place
301.40 Emergency Placement
301.50 Placement Selection Criteria
301.60 Sibling Placement
301.70 Relative Home Placement
301.80 Foster Family Home Care
301.90 Residential Care
301.100 Care in a Medical/Psychiatric Facility
301.110 Appropriate Information with the Caregiver
301.120 Medical Records Conditions for Placement
301.130 Medical Records Conditions for Placement
301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section

- 301.200 Purpose
301.210 Family-Child Visitation
301.220 Sibling Visitation
301.230 Contact Among Siblings Placed Apart
301.240 Grandparents Visitation

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section

- 301.310 Purpose
301.320 Foster Care Placement Goal
301.330 Plans to Achieve This Goal
APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

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AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [720 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 [42 U.S.C.A. 670 et seq.]; 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 1950, effective July 1, 1997.

SUBPART A: PLACEMENT SERVICES

Section 301.80 Relative Home Placement

- a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interest of the child, the Department shall consider the child's psychological relationship with the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60(b).
- b) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the conditions for placement specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets the following conditions for placement and signs an agreement to that effect. The relative:

- 1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);
- 2) is willing and capable of protecting the child(ren) from harm by the parent(s) or any other person whose actions or inactions allegedly threatened the child(ren)'s safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5];
- 3) agrees not to transfer physical custody of the child(ren) to anyone, including parent(s) or other relative(s), unless previously authorized in writing by the Department;
- 4) agrees not to allow the indicated or alleged perpetrators of

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abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;

- 5) agrees to notify the Department of any change in the household composition;
 - 6) agrees to notify the Department of any change of address;
 - 7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;
 - 8) agrees to take the child(ren) out of state only if previously authorized in writing by the Department;
 - 9) agrees to abide by any conditions or limitations on the parent-child visitation plan which have been imposed by the court or are contained in the client service plan;
 - 10) is willing to cooperate with the agency, the child(ren)'s parent(s) and other resource persons to help develop and achieve the permanency goal recorded in the child(ren)'s service plan; and
 - 11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate.
- c) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:
- 1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) and a check of the Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:
 - A) the type of indicated abuse and neglect;
 - B) the age of the individual at the time of the report;
 - C) the length of time that has elapsed since the most recent indicated report;
 - D) the relationship of the reporting to the ability to care for the relative child(ren); and
 - E) evidence of successful parenting?
 - 2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household is completed prior to placement of the relative child(ren). If the results of the LEADS check identify prior criminal convictions listed in Appendix A of 89 Ill. Adm. Code 301, Placement and Visitation Services, for any adult member of the household, child(ren) shall not be placed in the relative's home unless a waiver has been granted in

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accordance with the requirements of Appendix A of this Part;--

- 3) the home is free from observable hazards;
 - 4) prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns and ammunition are stored in places inaccessible to children;
 - 5) basic utilities -- water, heat, electricity -- are in operation;
 - 6) sleeping arrangements are suitable to the age and sex of the child(ren);
 - 7) meals can be provided daily to the related child(ren) in sufficient quantities to meet the child(ren)'s nutritional needs;
 - 8) supervision of the related child(ren) can be assured at all times including times when the relative is employed or otherwise engaged in activity outside of the home;
 - 9) the relative can provide basic necessities for themselves and their own child(ren);
 - 10) the relative can access health care and provide necessary in-home support for any health care needs of the related child(ren);
 - 11) no member of the household appears to have a mental illness which could pose a threat to the physical safety of the related child(ren) or a physical impairment which could affect the ability of the caregiver to provide routine daily care to the related child(ren) or to evacuate them safely in an emergency;
 - 12) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;
 - 13) the relative has the ability to contact the agency, if necessary, and the ability to be contacted;
 - 14) the relative has immediate access to a telephone when the related child has medical or other special needs;
 - 15) the relative shall cooperate with the supervising agency's educational and service plan for the child;--and
 - 16) the relative shall cooperate with the requirements for obtaining financial support for the care of the child including:--if--the relative is--unemployed--completing--the--Aid-to-Families-with-Dependent--Children--(AFDC)--application--and--eligibility determination process;--if--the relative fails to complete the AFDC application and eligibility determination process within--90 days--after--the date the child was placed with the relative--the relative will receive no payment from the Department--in--such case;--the supervising agency shall reassess the continued suitability of the relative's home.
- d) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall conditions, on the form prescribed by the Department, that the conditions for placement prescribed by this Section have been met.
- e) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency

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has reason to believe the relative caregiver can no longer safely or adequately care for the child(ren). Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections (b) and (c) above and by an evaluation of any continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.

- f) The Department may, after providing notice as required by 89 Ill. Adm. Code 337, Service Appeal Process, move the child to another placement if the Department determines, based on the continuing safety and well-being of the child, that the child's placement with the relative caregiver is necessary. If necessary, the Department may determine that it is necessary to place the child in an alternative placement.

- g) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible may, but need not, apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: Amended at 21 Ill. Reg. 13586, effective 1/1/97)

DEPARTMENT OF NUCLEAR SAFETY

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- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology

- 2) Code Citation: 32 Ill. Adm. Code 401

- 3) Section Number:
401.10
401.20
401.30
401.60
401.70
401.80
401.100
401.160
- Adopted Action:
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act (420 ILCS 40/5, 6, 7 and 36).

- 5) Effective Date of Amendments: September 25, 1997

- 6) Does this rulemaking contain an automatic renewal date? No

- 7) Does this Amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: September 24, 1997

- 9) Notices of Proposal Published in Illinois Register:

May 23, 1997, 21 Ill. Reg. 6156

- 10) Has JCPR issued a Statement of Objections to this rule? No

- 11) Difference(s) between proposal and final version:

- a) By inserting between lines 71 and 72, the following:

"Section 401.30 Exemptions"

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.

- b) The Department shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.

- c) Exemptions shall include:

- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies

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ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.

- c) A person registered with the Department as a student-in-training (c) in limited diagnostic radiography pursuant to Section 401.80(c) of this Part who applies ionizing radiation to human beings while under the supervision of a licensed practitioner, provided that the procedures performed shall be limited to the procedures as listed in Appendix A of this Part, applicable to the particular student condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Department and shall only apply for 16 months.
- 3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. [420 ILCS 40/5]
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(d) of this Part during such time as that person is under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited.
- 7) A nurse, technician, or other assistant who, under the supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings but only when such administration is performed on employees of a business at a medical facility owned and operated by that business. [420 ILCS 40/5].
- b) In Section 401.70(b)(1)(A), on line 178, by adding a closed parenthesis after "A" and deleting the dash before the word "The".
- c) In Section 401.70(b)(2), (b)(3), (b)(4), on lines 178-197, by deleting the dash before the word "The".

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- d) In Section 401.80(c), on line 260, by deleting the comma after the word "Mexico".
- 12) Have all the changes aurred upon by the Agency and JCAR been made as indicated in the aigement letter issued by JCAR? Yes
- 13) Will this PROPOSED amendment replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment will: (a) delete the limited radiography practical clinical examination option and require that the total examination be standardized and in written form; (b) clarify that employers who have unsuccessfully trained students in limited radiography may continue to provide training and instruction as long as the employee/student does not apply radiation to humans; (c) clarify that accreditation is required for persons, other than licensed practitioners, who apply radiation to humans in medical research; (d) change the reference for training program standards from the former Council on Allied Health Education Accreditation to the United States Department of Education; (e) change the continuing education requirement for persons who perform mammography from 8 to 10 hours of continuing education; (f) change mammography for each 24-month period; (g) require credentialed technologists to advise the Department in writing of changes in name or address; (g) add a qualifying phrase in section 401.30(c)(1) which conforms with nationally accepted standards of supervision and practice and correlates with the Department's definition of "direct supervision"; and (h) make formatting changes to meet the requirements of the Joint Committee on Administrative Rules.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Thomas J. Carlisle
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9884 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Amendment begins on the next page:

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student is registered. This exemption shall only apply to individuals who are registered with the Department and shall only apply for 16 months.

- 3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. [420 ILCS 40/5]
- 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
- 5) A technician, nurse or other assistant who performs radiography under the supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
- 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.10(d) of this Part during activities as a person's supervisor or supervisor of licensed radiologic technologists or medical radiologic technologists who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited.
- 7) A nurse, technician, or other assistant who, under the supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business. [420 ILCS 40/6]

(Source: Amended at 21 Ill. Reg. 13592, effective 4/1/87)

Section 401.60 Examination Requirements

- a) Active - Persons who seek active status accreditation in medical radiation technology must pass a written examination as appropriate to the category of accreditation sought in accordance with Section 401.70 of this Part.
- b) Temporary - Persons who seek active status accreditation and are awaiting the successful completion of an examination in accordance with Section 401.70 of this Part may apply for and be issued temporary accreditation. Temporary accreditation shall be valid until the person has passed the appropriate examination and has applied for and been issued active status accreditation. In no case shall temporary accreditation be valid for more than two years from the date of issuance.
- c) Conditional - Examination shall not be required for conditional accreditation.
- d) Limited Diagnostic Radiographer-Chest - Persons who seek accreditation to perform radiography of the chest, but not any other parts of the body, must pass a written examination on general radiography topics

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- and a written or pre-practice examination on chest anatomy and clinical skills required to perform radiography of the chest in accordance with Section 401.70(c) of this Part.
- e) Limited Diagnostic Radiographer-Extremities - Persons who seek accreditation to perform radiography of the extremities, but not any other parts of the body, must pass a written examination on general radiography topics and a written or pre-practice examination on anatomy of the extremities and clinical skills required to perform radiography of the extremities in accordance with Section 401.70(c) of this Part.
- f) Limited Diagnostic Radiographer-Skull and Sinuses - Persons who seek accreditation to perform radiography of the skull and or sinuses, but not any other parts of the body, must pass a written examination on general radiography topics and a written or pre-practice examination on anatomy of the skull and sinuses and clinical skills required to perform radiography of the skull and sinuses in accordance with Section 401.70(c) of this Part.
- g) Limited Diagnostic Radiographer-Spine - Persons who seek accreditation to perform radiography of the spine, but not any other parts of the body, must pass a written examination on general radiography topics and a written or pre-practice examination on anatomy of the spine and clinical skills required to perform radiography of the spine in accordance with Section 401.70(c) of this Part.

AGENCY NOTE: Persons may seek accreditation in more than one status condition of limited diagnostic radiography.

(Source: SPD 20 amended at 21 Ill. Reg. 13593, effective 4/1/87)

Section 401.70 Acceptable Examinations

- a) The Department shall accept for issuance of Active Status Accreditation examinations as identified by this Section. Accreditation shall be specific to the category of examination as specified in subsection (b) of this Section.
- b) Examinations as appropriate to category of accreditation are as follows:
 - 1) Medical Radiography
 - A) The American Registry of Radiologic Technologists (ARRT), or graduation from an approved program as set forth in Section 401.80(a) of this Part is a prerequisite for sitting for the A.R.T. examination.
 - B) The American Registry of Clinical Radiography Technologists (A.R.C.R.T.) provided that the applicant passed the A.R.C.R.T. examination after January 1, 1981, and the applicant has graduated from an approved program as set forth in Section 401.80(a) of this Part.
 - 2) Nuclear Medicine Technology

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- The American Registry of Radiologic Technologists (N) (A.R.R.T.), the Nuclear Medicine Technology Certification Board (N.M.T.C.B.), the American Society of Clinical Pathologists (NM) (A.S.C.P.).

3) Radiation Therapy Technology

The American Registry of Radiologic Technologists ("")

4) Chiropractic Radiography

American Chiropractic Registry of Radiologic Technologists

(ACRRT), provided that the examination was administered after

June 30, 1984.

c) Examinations in Limited Diagnostic Medical Radiography - Applicants

for accreditation in one or more areas of limited diagnostic

radiography shall have passed a written examination on general

radiography topics and a written or-practice examination specific to

the type of limited accreditation sought. All written examinations

shall be approved by and scheduled through the Department. The

passing score for written examinations shall be a scaled score of 75

percent. All practice examinations shall cover items prescribed by

the Department. Practice examinations may be administered by a

technologist who holds active accreditation in radiography and is a

full-time faculty member of an approved program as defined in Section

401-88 or by a licensed practitioner certified as a radiologist by

the American Board of Radiology, the American Osteopathic Board of

Radiology or the American Chiropractic Board of Radiology. Practice

examinations shall be graded on a pass/fail basis on forms provided by

the Department.

d) For Active Status Accreditation, examinations by other certifying

organizations shall be accepted upon written request to the

Department, provided that the Department finds that the certifying

organization meets the National Commission for Health Certifying

Agencies (NCCHA) standards. Publication Title: "Health Certifying

Agencies (NCCHA) Standards" (Publication No. 232-78-0137, dated

September 30, 1979, DHHS Publication No. (DHA) 81-4, U.S. Government

Printing Office, Washington, D.C. 20402.

(Source: Amended at 21 Ill. Reg. 13597, effective

4-4-82)

Section 401.80 Approved Program

a) The Department shall base its approval of didactic and clinical

education for Medical Radiography, Nuclear Medicine Technology, or

Radiation Therapy Technology on the standards accepted by the United

States Department of Education. Committee on Allied-Health Education

and Accreditation (CAHEA) (Specific information concerning these

standards is available from the Joint Review Committee on Education in

Radiologic Technology (JRCERT), 20 North Wacker Dr., Chicago IL

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60506-2301 Committee on Allied-Health Education and Accreditation of the American Medical Association and from the Department. These standards are entitled: Standards for Educational Programs in Radiologic Sciences (1997) Essentials and Guidelines of an Accredited Education Program for the Radiation Therapy Technologist (1997) Essentials and Guidelines of an Accredited Educational Program for the Radiographer (1997) Essentials of an Accredited Educational Program for the Nuclear Medicine Technologist (1997) and do not

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Review Committee on Education in Radiologic Technology, published 1997 1999, by the Joint Review Committee on Education, 20 N. Wacker Drive, Suite 900, Chicago, Illinois 60606-2901. Students-in-training in Limited Diagnostic Radiography shall take the appropriate written or written and practical examinations not later than the eight month of training. Students shall not perform radiographic procedures beyond the 16th month of training unless the required examinations have been passed.

- e) All approved training programs shall include an overview of the Radiation Protection Act of 1990, this Part and related application forms and procedures.

(Source: Amended at 21 Ill. Reg. 13.03, effective 1/1/98)

Section 401.100 Initial Issuance of Accreditation

- a) The Department shall issue Active Status Accreditation in a category of medical radiologic technology to persons who have passed an examination as indicated in Section 401.70(b) of this Part. Active Status Accreditation issued after January 1, 1988, shall be valid for two years from the date of issuance.
- b) The Department shall issue Temporary Accreditation in a category of medical radiation technology and chiropractic radiography to persons who are awaiting an examination in accordance with Section 401.70(b) of this Part and have completed an approved program. Applicants for Temporary Accreditation must provide specific evidence of the intent to take such an examination, the category of examination to be taken, and the date on which the examination will be taken. Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination. Temporary Accreditation shall be valid until such time as the individual successfully completes the appropriate examination and applies for and is issued Active Status Accreditation in accordance with subsection (a) of this Section, but in no instance longer than 24 months from the date of issuance for medical radiation technology and no longer than 12 months from the date of issuance for chiropractic radiography.
- c) The Department shall issue Conditional Accreditation Type I in a category of medical radiation technology upon determining that the existence of community hardship exists. When making a determination of the existence of community hardship, the Department shall consult with the Systems Agencies or County or local health departments and will evaluate the availability of alternative radiologic services and will apply the same criteria as those used for Active Status Accreditation. In addition, the Department shall require the applicant's employer or prospective employer to demonstrate the recruitment of qualified personnel, at competitive compensation, has been attempted and unsuccessful. Such demonstration can take the form

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of documented advertising in publications intended to reach radiologic technologists. If based on the information submitted, the Department determines that qualified personnel cannot be recruited, and that the people in the locality in which the conditional accreditation is sought would be denied adequate health care because of the unavailability of appropriately accredited persons, the Department shall issue Conditional Accreditation Type I which shall be valid for a period of 24 months from the date of issuance.

- d) The Department shall issue Conditional Accreditation Type II in a category of medical radiation technology to any person who, 24 months prior to July 1, 1990, was employed in medical radiologic technology and who thereafter received medical qualifications for accreditation. Conditional accreditation issued pursuant to this Section shall be valid for two years from the date of issuance. Issuance shall be contingent upon submitting a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Department in accordance with this Section shall specify the nature of the equipment and procedures which the individual is competent to utilize. The Statement of Assurance must be provided by a licensed practitioner under whose supervision the individual is employed or has been employed at some time within the last twelve months. Conditional accreditation which is issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. An individual who is accredited in accordance with this Section may expand the accreditation to additional procedures and/or equipment by receiving training in accordance with Section 401.30(c)(3) of this Part. After such training, the individual may submit an additional Statement of Assurance from a licensed practitioner under whose supervision the individual is employed as to the additional equipment and procedures which the individual is competent to utilize. However, an individual may not become accredited pursuant to the provisions of this Section for equipment or procedures outside of those in the category of initial accreditation. Procedures in this Section should be interpreted to limit an individual's right to be accredited and to be issued Active Status Accreditation in accordance with subsection (a) of this Section. The Department shall not issue Conditional Accreditation Type II as provided by this Section after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140 of this Part.
- e) The Department shall issue accreditation in one or more areas of Limited Diagnostic Radiography to persons who have passed examinations as indicated in Section 401.70(c) of this Part. Such accreditation shall be valid for two years from the date of issuance.

- f) All persons who have received accreditation from the Department pursuant to the terms of this Section shall provide notice in writing to the Department of any permanent or temporary change in their

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designated mailing address, or of any change in name due to marriage or for any other reason. Notification to the Department shall be made within 10 days after any such change. Failure of the accredited individual to forward such information to the Department, as required by this subsection (f), shall not be considered to be a valid cause for detaining any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from compliance with any other rules or regulations from the laws and rules promulgated by the Department. See "Notice, Service and Proof of Service", 32 Ill. Adm. Code 200.50(d).

(Source: Amended at 21 Ill. Reg. 15587, effective 4-1-87.)

Section 401.160 Additional Requirements for Radiographers Performing Mammography

- After September 18, 1992, in addition to meeting the accreditation requirements set forth in this Part, any medical radiographer who performs mammography shall have completed the required minimum initial training in mammography as identified in 401.140(c) of this Part prior to performing mammography.
 - A medical radiographer who performs mammography procedures shall engage in continuing education directly related to mammography at the rate of 10 B contact hours within each 24 month period after meeting the initial mammography training requirement. Subjects identified in 401.140(c) of this Part shall be considered directly related to mammography and may be utilized toward meeting the continuing education requirements of Section 401.140(b) of this Part.
 - For initial mammography training, or continuing education in mammography, courses or other activities intended to meet the requirement for initial mammography training, or continuing education in mammography, shall be approved by the Department.
 - Completion of initial mammography training and continuing education in mammography, shall be verified to the Department.
- AGENCY NOTE: For additional requirements for facilities who perform mammographic procedures see 32 Ill. Adm. Code 360.71.

(Source: Amended at 21 Ill. Reg. 15587, effective 4-1-87.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED REPEALER

- Heading of the Part: Assistance Standards
- Code Citation: 89 Ill. Adm. Code 111
- Section Numbers: Adopted Action:
111.1, 111.10, 111.20 Repeal
111.30, 111.40, 111.50 Repeal
111.60, 111.70, 111.80 Repeal
111.90, 111.101, 111.110 Repeal
- Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- Effective Date of Repeal: October 1, 1997
- Does this rulemaking contain an automatic repeal date? No
- Does this Repealer contain incorporations by reference? No
- Date Filed in Agency's Principal Office: October 1, 1997
- Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8190)
- Has JCAR issued a Statement of Objections to this Adopted Repealer? No
- Differences between proposal and final version: The proposed version of this rulemaking was published as a Notice of Proposed Amendments, although all of the text of the current provisions in Part 111 was being repealed. The adoption is now being published as a Notice of Adopted Repealer. This change eliminates the need to publish the text of the rules.
- Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement after issued by JCAR? Yes
- Will this Repealer replace Emergency Amendments currently in effect? Yes
- Are there any amendments pending on this Part? No
- Summary and Purpose of Amendments: These amendments repeal the assistance standards that have been replaced by the new Temporary Assistance for Needy Families (TANF) program, which was effective July 1, 1997. Recent State legislation requires a complete restructuring of the Aid to Families with Dependent Children (AFDC) program. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

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The TANF program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the support for thousands of families to become employed. The TANF program is the final stage for the new Illinois Department of Human Services to administer the welfare program, effective January 1, 1997. Since the assistance standards in Part 111 will not be utilized under TANF, they are now being repealed.

16) Information and questions regarding this Adopted Repealer shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- | | |
|-------------------------|------------------------|
| 1) Heading of the Part: | Demonstration Programs |
| 2) Code Citation: | 89 Ill. Adm. Code 170 |
| 3) Section Numbers | Adopted Action: |
| 170.10 | Repeal |
| 170.11 | Repeal |
| 170.12 | Repeal |
| 170.50 | Repeal |
| 170.250 | Repeal |
| 170.300 | Repeal |
| 170.350 | Repeal |
| 170.360 | Repeal |
| 170.370 | Repeal |
| 170.380 | Repeal |
| 170.390 | Repeal |
| 170.500 | Repeal |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Law 104-193
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register:
July 7, 1997 (21 Ill. Reg. 8199)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:
No changes have been made in the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments are necessary to repeal the rules pertaining to demonstration programs that were

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operational under the Aid to Families with Dependent Children (AFDC) program. Since recent federal and State legislation requires a complete restructuring of the AFDC program and it is being replaced by the new Temporary Assistance for Needy Families (TANF) program, which was effective July 1, 1997, such restructuring programs are needed. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The TANF program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These amendments repeal some demonstration programs in connection with the replacement of AFDC by TANF.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section	Youth Employment and Training Initiative <u>(Repealed)</u>
170.10	Paternal Involvement Project
170.20	Homeless Families Support Project
170.30	Family Responsibility Project <u>(Repealed)</u>
170.40	Income Budgeting Project <u>(Repealed)</u>

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section	The Career Advancement Program
170.100	Career Advancement Experimental and Control Groups
170.110	Career Advancement Participation Requirements of Experimental Group Members
170.120	Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section	Community Group Participation Program
170.200	
Sections	SUBPART D: EARNED INCOME INITIATIVE
170.250	Work Pays Demonstration <u>(Repealed)</u>

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

170.300	School Attendance Initiative <u>(Repealed)</u>
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SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section	Family Accountability <u>(Repealed)</u>
170.350	Get a Job Initiative <u>(Repealed)</u>
170.360	Targeted Work Initiative (TWI) <u>(Repealed)</u>
170.370	Quarterly Reporting - Failure to Report Employment Demonstration Project <u>(Repealed)</u>

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(Source: Repealed at 21 Ill. Reg. 13601, effective 11/1/64)

Section 170.40 Family Responsibility Project (Repealed)

- a) The Family Responsibility Project is a four-year demonstration program operated by the Department of Public Aid--the purpose of the project is to demonstrate that allowing two-parent families to qualify for AFDC will help these families achieve self-sufficiency sooner than a lower recidivism rate than families who have been denied AFDC.
- b) Selection Criteria
- All two-parent families who qualify for AFDC up on the basis of income and assets are eligible for this demonstration except in Franklin, Macony, Peoria, Macouly, Vermilion and Winnebago Counties--in these counties participants will be randomly selected for participation.
- c) Participation Requirements
- Individuals eligible for participation in the demonstration project are no longer subject to nor must comply with the terms, conditions and requirements of AFDC up as listed in 89 Ill. Adm. Code 118-647 unless they are in the control group of the Family Responsibility Project.
- d) Experimental and Control Groups
- Individuals in Franklin, Macony, Peoria, Macouly, Vermilion and Winnebago Counties will be randomly assigned to one of the following groups:
- i) an experimental group which shall consist of those individuals who must comply with subsection (c) above or
- ii) a control group which shall consist of those individuals who meet the criteria of subsection (b) above but will not be mandated to comply with the requirements of subsection (c) above.
- e) As long as the Family Responsibility Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person's AFDC eligibility changes or if he or she moves.

(Source: Repealed at 21 Ill. Reg. 13601, effective 11/1/64)

Section 170.50 Income Budgeting Project (Repealed)

- a) The Income Budgeting Project is a four-year demonstration program of experimental design operated by the Department--the purpose of the project is to demonstrate that a combination of prospective and retrospective budgeting of earned income encourage AFDC recipients to accept employment.
- b) Elements of the Income Budgeting Project
- i) When a recipient reports that he has begun employment and a

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- determination has been made that he remains eligible for AFDC, the earned income shall be budgeted prospectively for the first two months.
- 2) After the first two months the income shall be budgeted retrospectively.
- 3) An adjustment for under or overpayments which occurred during the first two months of prospective budgeting shall be made.
- 4) If a recipient reports and verifies that employment has ended, budgeting of earnings shall end with the first month of unemployment.
- c) Selection Criteria
- Participants in the Income Budgeting Project are:
- i) All AFDC recipients who have earned income and who do not reside in Rock Island County or Champagne County.
- 2) In Rock Island County, those AFDC clients randomly selected by the Department for participation.
- d) Experimental and Control Groups
- i) Individuals will be assigned to one of the following groups:
- A) an experimental group which shall consist of those individuals who will be entitled to the elements of the Income Budgeting Project or
- B) a control group in Rock Island County which shall consist of those individuals who meet the criteria of subsection (c) above but will have earned income budgeted under the Department's current budgeting method.
- 2) As long as the Income Budgeting Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person leaves the project area or stops receiving AFDC.

(Source: Repealed at 21 Ill. Reg. 13601, effective 11/1/64)

SUBPART D: EARNED INCOME INITIATIVE

Section 170.250 Work Pays Demonstration (Repealed)

- a) The Work Pays is a four-year demonstration program of experimental design to be operated by the Department upon receipt of necessary federal waivers--Goals of this demonstration are to simplify the budgeting of earned income and to provide AFDC clients with a greater financial incentive to work and become self supporting.
- b) All AFDC applicants and recipients are included in this demonstration except for those in Champagne and Lake Counties--in those locations participants will be randomly selected for participation--All AFDC applicants and recipients and those who are assigned to the experimental group in Champagne and Lake Counties will have eligibility and the level of assistance determined by budgeting earned

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income-in accordance-with-this-Section:--Those-cases-in-Champaign-and Lake-Counties-assigned-to-the-control-group-will-have-eligibility-and the-level-of-assistance-determined-by-budgeting-earned-income-in accordance-with-9-iii-Admin-Code-117-Subpart-6-as-specified-for-the control-group-Participants-in-the-Homestead-Families-Support-Project (the-Section-79-3-7) rate-exclude-from-this-demonstration.

- e) The-Section-79-3-7 rate-exclude-from-this-demonstration. The-eligibility-for-a-999-99-Subpart-6-for-earned-income-The-remainder-plus-all other-budgetable-income-will-be-compared-to-the-payment-level-to determine-eligibility.

- d) For-employed-recipients-all-available-income-will-be-compared-to-the Federal-poverty-level-to-determine-continued-eligibility--if eligible-one-third-of-each-individual's-earnings-and-all-other budgetable-income-will-be-deducted-from-the-family's-payment-level

(Source: Repealed at 21 Ill. Reg. 13604, effective 1/1/11)

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

Section 170.300 School Attendance Initiative (Repealed)

- a) The-Department-is-implementing-a-demonstration-to-improve-children's attendance-in-elementary-school.
- b) The-demonstration-will-be-available-statewide-where-schools-and-social service-networks-are-willing-to-participate--A-small-percentage-of clients-will-be-randomly-assigned-to-serve-as-a-control-group-for purposes-of-the-waiver-of-federal-requirements--These-clients-will not-be-subject-to-the-sanction-provisions-referred-to-in-subsection (g)-of-this-Section.

- e) Participating-elementary-schools-will-identify-children-in-grade-one through-six-who-fail-to-attend-school-regularly-attending-school regularly-as-a-condition-for-receiving-the-school's-regular-education-the-families-problems-that-lead-to-the-resulting-irregular school attendance-they-will-refer-the-families-to-participating-social service-networks--the-family-will-be-notified-in-writing-of-the referral-and-the-consequences-for-non-cooperation-with-the-referral.
- d) Social-Service-Networks-should-be-specifically-equipped-to-address-the causes-of-truancy-at-no-cost-to-the-family-other-than-normal co-payment-under-existing-programs.

- e) Upon-referral-a-social-service-network-representative-will-assess-the specific-family-situation-and-will-develop-a-service-plan-with-the family-that-will-include-getting-the-child-to-regularly-attend-school.
- f) Upon-failure-of-the-family-to-cooperate-with-the-referral-or-with-the service-plan-as-determined-by-the-social-service-provider-the-family will-be-placed-under-a-Protective-Payee-with-the-social-service network-representative-acting-as-the-payee-for-the-family's-ABCD grant--The-provisions-of-09-iii-Admin-Code-117-10-shall-otherwise

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- apply
- g) The-Protective-Payee-will-remain-in-effect-until-the-family-follows through-with-the-service-plan-as-determined-by-the-social-service provider--The-Protective-Payee-may-be-discontinued-during-the-months of-June-July-and-August-at-the-option-of-the-service-provider.

- h) A-protective-payee-plan-referred-to-in-subsection-(f)-of-this Section-has-been-in-effect-for-at-least-three-months-and-the-child granted-a-regularly-scheduled-ABCD-grant-will-be-sanctioned-in-a program-or-is-sanctioned-for-the-reason-the-other-adult-a-portion of-the-grant-will-be-sanctioned.

- i) The-sanction-will-remain-in-effect-until-the-child-has-demonstrated satisfactory-school-attendance-as-defined-by-the-school.
- j) Sanctions-will-not-be-applied-during-the-months-of-June-July-and August-except-in-the-case-of-year-round-schools.
- k) A-sanction-for-non-cooperation-with-the-Child-Support-Enforcement Program-will-supersede-a-sanction-under-this-Section.

(Source: Repealed at 21 Ill. Reg. 13604, effective 1/1/11)

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.350 Family Accountability (Repealed)

- a) Effective-January-1-1996-each-assistance-will-not-increase-solely because-of-the-birth-of-a-child-to-any-member-of-the-assistance-unit. The-cash-assistance-shall-be-capped-at-the-pre-birth-payment-level. This-demonstration-will-be-tested-in-selected-food-offices-designated as-research-sites--Cases-in-the-research-sites-will-be-assigned-to experimental-and-control-groups--Cases-assigned-to-the-experimental groups-shall-be-subject-to-the-Family-Accountability-Demonstration Program--Medicaid-coverage-food-stamps-and-child-care-are not included.

- b) Cash-assistance-will-not-increase-due-to-the-birth-of-a-child-to-any member-of-the-assistance-unit-if-an-assistance-unit-fails-to-comply with-eligibility-requirements-or-an-assistance-unit-voluntarily requests-termination-of-cash-assistance-and-subsequently-becomes eligible-for-cash-assistance-within-nine-months.
- c) An-increase-in-the-payment-level-due-to-the-birth-of-a-child-to-any member-of-the-assistance-unit-is-allowed-if:

- 1) the-birth-is-to-a-pregnant-woman-who-became-eligible-for-cash assistance-during-the-pregnancy.
- 2) for-cases-active-as-of-January-1-1996-the-birth-occurs-within ten-months-after-the-date-of-implementation-(by-October-31-1996).
- 3) the-child-is-connected-after-the-family-became-eligible-for

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- cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any
- 4) the child was born while the parent or caretaker relative was on his or her own assistance and the parent or caretaker relative was not on the basis of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;
 - 5) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
 - 6) the child (including all children in the case of multiple births) was born to a minor included in an APBG grant who became a first-time minor parent.
- d) in three-generation assistance units, if the minor parent in the assistance unit requests that they be made the grantee, the former caretaker relative or caretaker relatives cannot be included in the minor grantee's assistance unit as an essential person.
- e) the assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

(Source: Repealed at 21 Ill. Reg. 1360, effective 11-1-71)

Section 170.360 Get a Job Initiative (Repealed)

- a) The Department will operate GSW-A-JOB as a statewide demonstration for five years beginning November 1, 1975. Some areas will be designated as experimental areas. These areas will be randomly assigned to an experimental group and to a control group. Clients in the experimental areas not in the experimental group will not participate in GSW-A-JOB.
- b) Selection of Participants
 - 1) At the time APBG cash assistance (category 84 only) is approved, adults who are not exempt from participation in the APBG-JOBs Program and who meet the following criteria will be assigned to GSW-A-JOB: Exemption reasons in 89 Ill. Adm. Code 112-71 apply except for reasons: Nonexempt adults will be selected if:
 - 1) they are unemployed or employed and budgeted gross earnings are less than \$255 per month
 - 2) their youngest child is age five through 12, and
 - 3) the adult
 - A) has a high school diploma or GED;
 - B) has been employed within the last three months; or
 - C) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.
- c) APBG-JOBs Orientation and Assessment
 - 1) An orientation potential GSW-A-JOB participants will be identified during the APBG eligibility interview. The

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- eligibility worker will inform the client about the APBG-JOBs Program and explain GSW-A-JOB participation requirements and supportive services. The worker will provide the client with information and forms needed to begin participation in GSW-A-JOB.
- 2) The determination that the client meets the selection criteria for GSW-A-JOBs and the selection of the need for and assignment of support services will be made by the initial APBG-JOBs assessor for GSW-A-JOB participants.
 - 3) Programs will not be approved for education or training programs while in GSW-A-JOB.
 - d) Participation Requirements
 - 1) Unless they have good cause, participants must:
 - A) attend scheduled monthly job search meetings;
 - B) keep appointments with GSW-A-JOB staff;
 - C) make a good faith effort to complete 38 employer contacts each month;
 - D) accept a bona fide offer of suitable employment; and
 - E) maintain employment and not voluntarily reduce earnings.
 - 2) Participants will remain in GSW-A-JOB for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonetheless, participants will then be reassigned to other APBG-JOBs components as slots are available.
 - 3) Participants will be placed in GSW-A-JOB each time they are approved for APBG cash assistance and meet the selection criteria.
 - e) Supportive Services
 - 1) Supportive services will be provided to assist participants in their job search.
 - A) Each participant will receive a monthly job search allowance of \$80 to cover the cost of applying for jobs.
 - B) No additional payment for transport, stamps, resumes, etc., will be allowed.
 - 2) Payment for child care and initial employment expenses will be provided as needed within the limits stated in 89 Ill. Adm. Code 112-82.
 - f) Sanctions
 - 1) Conciliation will be attempted with participants who fail to meet participation requirements (see 89 Ill. Adm. Code 112-77).
 - 2) When conciliation is unsuccessful, the following penalties will apply:
 - A) First sanction: the participant's needs will be removed from the grant until the participant agrees to cooperate.
 - B) Second sanction: the participant's needs will be removed from the grant until the participant agrees to cooperate for three months, whichever is longer.
 - C) Third sanction: the participant's needs will be removed from the grant until the participant agrees to cooperate or

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for six months--whenever is longer

- B) Fourth (or more) sanction--The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer
- 3) When a participant refuses a bonafide offer of suitable employment, the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive sanctions described in subsections (f)(1) through (f) of this Section--it does not count in the progression or change in order of these four sanctions

(Source: Repealed at 21 Ill. Reg. 13601, effective 1/1/80)

Section 170.370 Targeted Work Initiative (TWI) (Repealed)

a) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI

b) Selection of Participants

APRG and APRG-B cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the APRG-B program unless the recipient has earned income or is exempt for one of the following reasons: (1) their APRG-B exemption reasons listed in 09 Ill. Adm. Code 112.71 do not apply to the TWI population;

1) is temporarily ill or chronically ill

A) An individual is temporarily ill when determined by the local officer on the basis of medical evidence (for example a statement from a medical provider or on another sound basis) that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in APRG-B. A sound basis for exemption from APRG-B on a temporary basis includes but is not limited to the following: a diagnosis of a medical condition or the patient provides surgery, minor ailments and injuries or recuperation from surgery, minor ailments and injuries such as colds, broken fingers or scratches are not serious enough--normally--to exempt the individual under this criterion

B) An individual is chronically ill or incapacitated, as determined by the local officer when a physician or licensed or certified psychologist finds that a physical or mental

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impairment either by itself or in conjunction with age or other factors prevents the individual from engaging in employment or participating in APRG-B. This includes a 60-day period of recuperation after childbirth

C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or upon case review the exemption will be re-evaluated to determine whether the individual continues to be exempt under the same procedures as for the initial determination of exemption--with appropriate notice to the individual that the revocation of the exemption is being considered

3) The recipient provides full-time care for another household member due to that person's medical condition or incapacity

e) Time Limit on Receipt of Cash Assistance

1) Receipt of cash assistance by TWI participants shall be limited to 24 months. Months in which the participant has earnings or is exempt do not count toward the 24-month limit

2) Beginning with the first month of the 24-month eligibility period, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period of eligibility

3) After reaching the 24-month limit, the participant shall be ineligible for cash assistance for a period of 24 months. When the participant is off APRG-B cash assistance for 24 consecutive months for any reason, the 24-month period of eligibility will start over

d) Participation Requirements

During the 24-month eligibility period, participants must cooperate with the requirements of the APRG-B program as described in 09 Ill. Adm. Code 112.71. Participants who fail to cooperate shall be subject to sanctions

e) Sanctions

1) Conciliation (see 09 Ill. Adm. Code 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see 09 Ill. Adm. Code 112.80);

2) When conciliation is unsuccessful, the following penalties will apply:

A) First sanction--The participant's needs will be removed from the grant until the participant agrees to cooperate

B) Second sanction--The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer

C) Third sanction--The participant's needs will be removed from the grant until the participant agrees to cooperate or

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- for six months, whichever is longer.
- B) Participants who are not employed in the entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.
- 3) When a participant refuses a bonafide offer of suitable employment (see 89 Ill. Adm. Code 112-72(a)(3) and (4)) the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive sanctions described in subsections (c)(2)(A) through (B) of this Section. If it does not count in the progression or change the order of these four sanctions.
- 4) Months during which the participant is sanctioned shall count as part of the 24-month eligibility period if the participant would otherwise have received cash assistance.

Component Assignments for WPI Participants

- 1) Initial Component Assignment
- A) Participants with a high school diploma GED or recent work history will initially be required to complete eight weeks of independent job search followed by assigned job search.
- B) Participants who have neither a high school education nor recent work history will initially be given a choice of independent job search job search plus job training or GED.
- 2) Work First
- A) Participants who have completed their appropriate component and have not become employed after 12 months will be assigned to work first.
- B) Participants who first must work 68 hours per month in an assigned unsubsidized work position. Their APBG grant will be reduced by this amount (68 hours x minimum wage) they will be paid minimum wage by the employer for only the number of hours they actually work.
- C) Participants in Work First must also complete 26 hours of job search per month.
- D) Participants will be assigned to Work First until they find unsubsidized employment or for a maximum of six months, whichever comes first.
- E) Participation in Work First does not extend the 24-month eligibility period.
- F) The Department will develop Work First positions with private employers and will provide Worker's Compensation coverage for participants.
- 9) Supportive Services
- Participants shall be provided all needed supportive services as described in 89 Ill. Adm. Code 112-82.

(Source: Repealed at 21 Ill. Reg. 13614, effective 11/1/82)

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- 170-380 Quarterly Reporting - Failure to Report Employment Demonstration Project (Repealed)
- e) This Section applies to APBG applicants and recipients, gatekeeper except for applicants and recipients in the following local offices:
- 1) Auburn Park (control cases);
 - 2) Williamson (control cases);
 - 3) Rock Island (all cases);
 - 4) Champaign (all cases); and
 - 5) Eureka (all cases);
- B) Cases in Auburn Park and Williamson will be randomly assigned to an experimental or control group. Cases assigned to the experimental group are subject to the rules in this Section.
- C) Clients in this demonstration project who fail to report their earnings and their earnings are discovered via crossmatch with the Illinois Department of Employment Security (IDES) will be centrally connected and an overpayment referred for all assistance received from the first month of the IBBS quarter identified to the present. The client will be given timely notification of the action taken.
- D) Each assistance unit in the quarterly reporting failure to report demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to APBG eligibility for the budget month and any changes in these factors which the unit expects to occur. The report must be submitted to the Department by the 15th of the month following the month in which the unit member who is employed or who has lost employment within the last three months.
- E) All APBG units which must report quarterly shall have benefits calculated for three months by considering income and attendance circumstances on a prospective basis.
- F) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.
- G) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned income self-employment business expense if any and unearned income (includes the assistance payment received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income self-employment business expenses and the 2/3 earned income deduction and the gross unearned income (includes the assistance payment) received in the

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payment month. This amount is subtracted from the payment level for an assistance unit of comparable size--if the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment the client is eligible for is the amount of the difference.

§) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

§) At intake, actual amount of income received in the initial prorated entitlement (FEB) period will be used to determine the IPB amount. The first regular roll payment amount will be computed using income averaging.

§) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the APBG grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment of the day the payment would have to arrive.

§) If the Department does not receive the quarterly report or receives only an incomplete report, APBG may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made. If the Department had received a completed report on time--if the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

§) If a completed report form is received by the end of the first payment month of the three month period for which the report is used to determine eligibility, eligibility for the entire three month period will be determined. If eligible, all the applicable earned income disallows will be allowed for the entire three month period.

§) If a completed report form is received after the last calendar day of the first payment month of the three month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three month period shall not exist. The client will be allowed all the applicable earned income disallows for those months for which eligibility is determined.

§) All caretaker relatives who are required to file quarterly reports will be notified of their responsibility to file a complete explanation of the requirements and be informed of the due date for the first report.

§) For all applicants and recipients except for those in control cases

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in Auburn, Park and Williams, one vehicle regardless of its value will be disregarded for purposes of determining the eligibility or cash grant amount of the APBG unit.

(Source: Repealed at 21 Ill. Reg. 1360, effective 1/1/11)

Section 170.390 Employment Plan Demonstration Project (Repealed)

§) The Department shall advise every applicant and recipient of:
§) the requirement that all recipients move toward self-sufficiency and

§) the value and benefits of employment;
§) As a condition of eligibility for the entire assistance unit, adult applicants must prepare, sign and submit a personal plan for achieving employment. Active adult recipients who have not previously prepared signed and submitted a personal plan for achieving employment must do so. The Department staff shall assist each client in completing the plan if the client requests such assistance. This condition of eligibility applies to all adult applicants and recipients of cash assistance except those who have good cause for not completing the plan. Good cause exists only if the applicant or recipient is employed 30 or more hours per week.

§) The employment plan form includes the following:
§) Job history;
§) Job preferences; and
§) Job search plans.

§) This Section applies to all APBG applicants and recipients except for those in cases designated as control cases in research sites.

(Source: Repealed at 21 Ill. Reg. 1360, effective 1/1/11)

SUBPART I: DASA/DPA SUBSTANCE ABUSE INITIATIVE

Section 170.500 DASA/DPA Substance Abuse Initiative (Repealed)

§) All designated adult APBG-R and APBG-Y clients living in demonstration project areas (Kankakee, Oakland, Peoria, Peoria and Winnebago) identified as having an alcohol or substance abuse problem (see 72 Ill. Adm. Code 9809.1 Alcoholism and Substance Abuse Treatment and Intervention Services) must participate in an alcohol or substance abuse treatment program as a condition of eligibility. Units the adult is employed 30 hours per week or more APBG cases in the demonstration project area are assigned to experimental or control groups. The adults in the experimental cases meeting the criteria are subject to this policy.

§) Failure to participate without good cause in an alcohol or substance

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- abuse-treatment-program-when-there-is-a-currently-available-treatment story-will-result-in-progressive-sanction-or-sanctions-for-the-abuser.
- i) First-sanction---the-client-is-deleted-from-the-cash-grant-until cooperation-as-defined-by-BASH.
 - 2) Second-sanction---the-client-is-deleted-from-the-cash-grant-for three-months-until-cooperation-as-defined-by-BASH. Whichever is longer.
 - 3) Third-sanction---subsequent-sanctions---The-client-is-deleted-from-the cash-grant-for-six-months-or-until-cooperation-as-defined-by BASH-whichever-is-longer.
 - c) Supportive-services-will-be-provided-to-enable-the-client-to participate-in-the-alcohol-or-substance-abuse-treatment-program.
 - d) Adults-in-the-experimental-cases-who-must-participate-in-an-alcohol-or substance-abuse-treatment-program-as-a-condition-of-eligibility-are mandatory. For these individuals, the exemption-criteria-listed in-Section-115.71-do-not-apply.
 - e) The-provisions-of-this-Section-are--subject-to-receipt-of-federal waivers.

(Source: Repealed at 21 Ill. Reg. 13601, effective 1/1/97)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 101
- 3) Section Numbers: Adopted Action:
101.20 Amendment
101.30 Amendment
101.40 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8702)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between Proposal and final version: Several changes have been made in the text of the proposed amendments.
Section 101.20
In the definition for "Financial Assistance," "and food stamp benefits are" has been changed to "and food stamp benefits are".
In the definition for "Wang (C)," "one or more dependent children" has been changed to "one or more dependent children".
In the definition for "Migrant Worker," "horticultural" has been changed to "horticultural".
The new definition for "Work and Basic Skills Training Program" has been changed to "The Department's employment and training program for TANF recipients."

Section 101.30

In subsection (b)(2), "one or more dependent children" has been changed to "one or more dependent children."

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In subsection (c)(1), "no other dependent children" has been changed to "no other dependent children".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Recent federal and State legislation requires a complete restructuring of the Aid to Families with Dependent Children (AFDC) program. A State plan has been developed to provide temporary assistance to needy families and children and to provide for the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program, which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic dependence in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. The TANF program also sets the stage for the administration of the welfare program by the new Illinois Department of Human Services, effective July 1, 1997. These proposed amendments make changes in the definitions and other general administrative provisions concerning the TANF program.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 101

GENERAL ADMINISTRATIVE PROVISIONS

Section

101.1 Incorporation By Reference
101.10 Applicability
101.20 Definitions
101.30 Assistance Programs
101.40 Assistance Program Restrictions

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Acts. I and II and 12-13].

SOURCE: Filled and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, P. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, P. 108, effective May 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 25, P. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, P. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, P. 196, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 1, P. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 23, P. 80, effective May 23, 1980; amended at 5 Ill. Reg. 1369, effective January 29, 1981; peremptory amendments at 5 Ill. Reg. 10077, 10076, and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 12728, effective November 1, 1981; codified at 7 Ill. Reg. 5195; amended at 13 Ill. Reg. 3897, effective March 17, 1989; emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15676, effective November 3, 1995; emergency amendment at 21 Ill. Reg. 8638, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11111, effective 11/1/97.

Section 101.20 Definitions

"AAND." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

"Adverse Action." Any action which reduces food stamp benefits or

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terminates participation in the food stamp program within a certification period.

"APDC." Aid to Families with Dependent Children--financial assistance and medical assistance available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

APDC-F. Medical Assistance for an eligible child under DCFS guardianship.

APBE-R---Based-on-the-death-absence-or-incompetency-of-a-parent-

APBE-U---Based-on-unemployment-of-parent

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant." An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Care--As-a-basis--for--the--deprivation--factory--nurture--such--as supervision--and--training--housekeeping--laundry--and--meal--preparation secured--by--a--child--and--given--to--the--child--by--a--mother--a--father--or another--capable--and--willing--person."

"Caretaker Relative." A relative, as specified below, with whom a child must live to be eligible for TANF APBE and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother	
Brother - Sister	
Grandmother - Grandfather	(including up to great-great-great)
Uncle - Aunt	(including up to great-great)
Nephew - Niece	(including up to great-great)
First Cousin	

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First Cousin once removed (child of first cousin)
Second Cousin (child of great-aunt/uncle)

Step-Relatives:
Step-Father - Step-Mother
Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

"Categorical Assistance Programs." TANF APBE, APBD and related MANG Programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification For Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case." A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

"Client." The adult in the family or unit ~~applying for assistance or~~ receiving assistance on behalf of the family An applicant-or-recipient.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

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"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is living with a relative deprived-in-whole-or-in-part-of-parental-support-or-care-by reason-of-death-of-a-parent-the-incapacity-of-a-parent-the-continued absence-of-a-parent-or-parents-or-the-unemployment-of-a-parent. If age 18, the child must be a full-time high school (or equivalent) student expected-to-complete-the-program-before-reaching-age-19.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DWGDD." Illinois Department of Mental Health and Developmental Disabilities.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DORS." Illinois Department of Rehabilitation Services.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible child who has siblings in the home receiving TANF AFDC financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled WAFNG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable MNG standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net

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Income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit warrant to a recipient for income maintenance needs. Medical assistance and food stamp benefits are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department level standards of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The cash value of benefits amount-of-coupons which a food stamp unit household receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food stamps as a unit.

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"Full-time Employment." Employment of 30 400 hours per week month or more.

"CA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are eligible to receive assistance through a categorical assistance program or Federal-Assistance-Program.

"CA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental

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Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility (ICF)." Provides basic nursing care and other restorative services under periodic medical direction. Many of these services will be provided in the community. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

"Intermediate Care Facility For the Mentally Retarded (ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for residents who have physical, intellectual, social and emotional needs.

"JBS--Program-(Job-Opportunities-and-Basic-Skills-Training-Program); a Department-of-Public-Aid's-employment-and-training-program--for--APPE recipients-

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid offices which serve clients living within a designated geographical area.

"Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANC." Medical Assistance No Grant cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANC(AABO)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Public Aid.

"MANC(C)." Medical Assistance to Needy Families with Dependent Children -- available to families with one or more dependent children who would qualify for TANF APPE on the basis of non-financial

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eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Medicare." Payment for medical care under the provisions of Title XVIII of the Social Security Act.

"Meditech." Early and periodic screening diagnosis and treatment services provided to children from birth through 20 years of age.

"Mediplan Card." A document which identifies individuals for whom the Department will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"Needy-Relative."--A relative-of-the-dependent-child--other--than-the caretaker--relative--whose-presence-is-essential-in-the-home-to-provide care--for--the--eligible--child--and-who-has-need-as-determined-by-the Department-standards

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"OJT." On the Job Training programs sponsored through the TRAIN of AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA.

"Participant." A person taking part in the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"Recipient." An individual who receives benefits under an assistance program.

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"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health which provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

"Skilled Nursing Facility for Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health which provides nursing care and rehabilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical services other than hospitalization.

"Specified Relative." Same as caretaker relative.

"Spendedown." The amount by which a client's nonexempt income during the eligibility period exceeds the MAGI income and asset standards.

"SSA." The Social Security Administration -- of the Department of Health and Human Services.

"SSI." Supplemental Security Income -- a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

"TANF." Temporary Assistance for Needy Families. Financial and medical assistance available to families with one or more dependent children.

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

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"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DDMO staff and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work and Basic Skills Training Program." The Department's employment and training program for TANF recipients.

"Work Experience." A Department program which provides experience in a job.

(Source: Amended at 21 Ill. Reg. 13615, effective 10/1/10.)

Section 101.30 Assistance Programs

a) The types of assistance programs administered by the Illinois Department of Public Aid include: financial assistance, medical assistance and Food stamps.

b) Financial Assistance Programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:

1) Aid to the Aged, Blind or Disabled--State Supplemental Payment For aged, blind or disabled persons.

2) Temporary Assistance for Needy Families Aid-to-Families-with-Dependents Assistance for one or more dependent children.

A For families with one or more dependent children.

B) AFAP--shall include-APB-R-and-APB-G-ir

++ AFAP-R For families-with-one-or-more-dependent-children-whose-dependency-is-based-on-the-death-absence-or-incapacity-of-a-parent

+++ APB-G

For-families-with-one-or-more-dependent-children-whose-dependency-is-based-on-the-unemployment-of-one-of-the-parents

3) Refugee Resettlement Program (RRP) For refugees from any country.

4) Repatriate Program For United States citizens and their dependents returned from a foreign country by the U.S. Department of State.

5) General Assistance

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For individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)--State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF) Aid-to-Families-with-Dependent-Children-(AFAP) or Federal Supplement Security Income (SSI) programs and who meet GA program requirements, under which payments are made to medical providers for services provided to recipients.

c) Medication assistance under which payments are made to medical providers for services provided to recipients.

1) Medicaid For persons eligible for financial assistance under the AABD-SSP and TANF AFAP programs and for individuals not eligible for financial assistance but who meet the requirements of those programs for medical assistance only. This includes pregnant women of any age with no other dependent children who would be eligible for TANF AFAP or MANG (CR) if the child had already been born. Medicaid is provided under the AFAP-C program for children under DCS guardianship who have been placed in licensed foster care or in the home of a relative.

2) Healthy Kids A preventative health program for all clients who are under 21 years of age and who are receiving AFDC, AABD, RRA, GA, or MANG or TANF. Through Healthy Kids, persons are given periodic screening examinations at certain ages from birth through age 20. The screening is to diagnose and treat health problems at an early stage.

3) General Assistance Medical For persons receiving financial benefits under the GA program. Food Stamps -- provides increased food purchasing benefits to recipients. Food Stamp benefits are available to individuals who meet eligibility requirements of the Food and Nutrition Service of the U.S. Department of Agriculture in accordance with the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).

e) Title IV-D -- attempts to collect child support payments from absent parents in behalf of children receiving assistance. The Department enlists the cooperation of the caretaker relative in identifying, locating and securing support from an absent parent or parents or putative father. Such support received is subsequently paid directly to the Department.

(Source: Amended at 21 Ill. Reg. 13615, effective 10/1/10.)

Section 101.40 Assistance Program Restrictions

a) An individual shall be eligible to receive financial assistance under any one of the following types of assistance programs at any one time:

1) Categorical Assistance (TANF AFAP or AABD),

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- 2) General Assistance, or
- 3) Assistance to Refugees, Entrants and Repatriates.
- b) An individual shall be eligible to receive financial and medical assistance in only one case under one assistance program, at any one time, except:
- 1) An individual who currently receives Categorical Assistance from the State and has established Illinois residence (in accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20, 120.211, 120.311, or 121.21) may receive Supplemental Categorical Assistance in Illinois when the amount of the Illinois assistance payment level to which the individual is entitled exceeds the amount received from the other State, if the excess is at least \$10.00.
 - 2) An individual who is currently receiving General Assistance shall be eligible to receive GA during the pendency of an application for Categorical Assistance or to receive the difference between the amount of the GA grant and the amount of the Categorical Grant for the month in which the individual is determined eligible for Categorical Assistance.
 - 3) A pregnant woman who is receiving medical assistance ~~WANS~~ may also receive a General Assistance grant if otherwise eligible.
 - 4) A child under BERS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under APPE-F and financial assistance under APPE-F.
- c) An individual shall not be eligible to receive food stamps as a member of more than one household at any one time.

(Source: Amended at 21 Ill. Reg. 1329, effective 10/1/97)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: Adopted Action: 153.100
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: June 27, 1997 (21 Ill. Reg. 7840)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between Proposal and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments concerning payments for long term care services are necessary to implement the State's fiscal year 1998 budget plan which requires the continuation of current reimbursement levels.

The amendments also reassign the \$10 emergency dental services add-on which has been in effect since December 1, 1995. This add-on was necessary because the State's budget plan for fiscal year 1996 called for cost containment measures in several areas of the Department's medical assistance program and coverage for some optional Medicaid funded care, including dental services, was eliminated for recipients age 21 or over. However, coverage was restored for emergency dental services for adults in January 1997. Therefore, for nursing facilities, the Department is reassigning the \$10 emergency dental add-on to the per diem for care

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planning, increasing the amount from \$.35 to \$.45. These changes regarding nursing facilities were adopted on August 22, 1997 and published on September 5, 1997, at 21 Ill. Reg. 12203. Additionally, the Department of Mental Health and Developmental Disabilities, which is responsible for the ACT/MR program, is reassigning the \$10 emergency dental add-on to the item for prophylaxis treatment and periodontal services, increasing the item from \$.50 to \$.60. These changes, pertaining to ACT/MR facilities, were proposed in 89 Ill. Adm. Code 144, and were published on May 16, 1997, at 21 Ill. Reg 3042.

These amendments are not expected to result in any budgetary changes.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustment
153.150 Quality Assurance Review (Repeated)

AUTHORITY: Implementing and authorized by Articles III, IV, V, and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13] and Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9569, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13634-0, effective 10/1/97.

Section 153.100 Reimbursement for Long Term Care Services

- Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140.144 and 147, for reimbursement of long term care services, effective January 18, 1994, the reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).

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- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.
- f) Rates may change based upon an interim IOC conducted at the facility's written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).
- g) Requests for Interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).
- h) Interim IOCs may be conducted, at the facility's written request, if there is a need to update the Medicaid rates since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d). The request for the interim IOC must be made within 180 days after the last IOC, need not be met, and the written request must contain documentation supporting the change in Medicaid census.
- i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.
- j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.
- k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.
- l) Fiscal year 1996 support rates may change based on the first cost report filed by new ownership reflecting six months or more of the new ownership's operation for any facility which changed ownership between July 1, 1992, and January 18, 1994. Only changes in ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561. Support rates for facilities which qualify under this exception will not be decreased by the provisions in this Section. The capital rates of facilities which changed ownership between July 1, 1992, and January 18, 1994, will not be subject to changes in capital rates based on the provisions of 89 Ill. Adm. Code 140.571(b)(4), but will be affected by the provisions of subsection (d) of this Section.
- m) For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the HSA in which the home is located.
- n) If a non-profit facility changes ownership on or after July 1, 1995,

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- and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added at the HSA median tax rate in effect for the month in which the real estate tax becomes effective.
- o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).
- p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.
- q) Rates may change based upon verification of the delivery or non-delivery of psychiatric rehabilitation services to individuals with mental illness residing in nursing facilities. Psychiatric rehabilitation services program reimbursement will be dependent upon the facility's compliance with all criteria specified in 89 Ill. Adm. Code 147.100 through 147.145.
- r) The flat per diem paid to ICFs/WR to cover the cost of non-emergency dental services pursuant to 89 Ill. Adm. Code 141.275 and 141.300 will be increased from \$10 to \$40 and on or after July 1, 1995, will be paid for emergency dental services including services needed to treat an episode of acute pain in the teeth, gums or palate by or otherwise damaged teeth or any other problem of the oral cavity appropriately treated by a dentist that requires immediate attention.
- s) Day training provider rates shall be increased by three percent for services provided on or after July 1, 1996.
- t) Effective for services provided on or after July 1, 1996, facilities which are located in an area which has changed geographic designation due to unique labor force factors shall have rates recalculated based upon the ceilings and norms of the newly designated geographic area.
- u) The add-on to the final nursing rate for care planning identified in 89 Ill. Adm. Code 147.205 will be increased from \$.35 to \$.45. This Section shall be automatically repeated effective June 30, 1997.

(Source: Amended at 21 Ill. Reg. 15636, effective 01-01-1997)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
120.330
Amendment
120.382
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13] and Public Act 89-525
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: March 7, 1997 (21 Ill. Reg. 2913)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between Proposal and final version:

In the new language in Section 120.330(b), "Sections" has been changed to "Section".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: In accordance with Section 25 of Public Act 89-525, these amendments provide criteria for the protection of assets from Medicaid eligibility for persons who purchase and use insurance that meets requirements of the Long Term Care Partnership Insurance Program. Income generated by the protected assets must be considered for Medicaid eligibility. This rulemaking protects all assets of a person who purchases a policy with coverage equal to the average cost of four years of long term care in a nursing home provided that the person has received all of the qualifying benefit payments that are payable under

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the policy. For other policies, the amount of assets equal to the sum of the qualifying benefit payments are protected provided that the person has received all qualifying benefit payments that are payable under the policy.

Currently, the Department disregards assets equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy. These amendments establish that the assets will only be disregarded in an amount equal to insurance payments once all payments payable under the policy are made. The Department will also disregard all assets of a person who purchases one of these policies provided the coverage is equal to the average cost of four years of long term care services in a nursing facility and all payments under the policy have been made.

As a result of this rulemaking, unearned income will include any amount of interest earned from assets disregarded by 89 Ill. Adm. Code 120.382(a)(3) and (a)(4). In addition to previously exempted assets, the cash value of the following assets will also be disregarded:

1. The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy; and
2. All assets of a person who purchases a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, with coverage equal to the average cost of four years of long term care services in a nursing facility, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS
SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance for Pregnant Women and for Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.40 MANG(P) Income Standard
120.41 Exceptions to MANG(P) Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74 Qualified Low-Income Medicare Beneficiary (QMB) Income Standard
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program
120.90 Subpart F: MIGRANT MEDICAL PROGRAM
120.91 Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.200 Elimination of Aid to The Medically Indigent
120.208 Client Cooperation (Repealed)
120.210 Citizenship (Repealed)
120.211 Residence (Repealed)
120.212 Age (Repealed)
120.215 Relationship (Repealed)
120.216 Living Arrangement (Repealed)
120.217 Supplemental Payments (Repealed)
120.218 Institutional Status (Repealed)
120.224 Foster Care Program (Repealed)
120.225 Social Security Numbers (Repealed)
120.230 Unearned Income (Repealed)
120.235 Exempt Unearned Income (Repealed)
120.236 Education Benefits (Repealed)
120.240 Unearned Income In-Kind (Repealed)
120.245 Earmarked Income (Repealed)
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)
120.255 Protected Income (Repealed)
120.260 Earned Income (Repealed)
120.261 Budgeting Earned Income (Repealed)
120.262 Exempt Earned Income (Repealed)
120.263 Recognized Employment Expenses (Repealed)
120.271 Income from Work/Study/Training Program (Repealed)
120.272 Earned Income from Self-Employment (Repealed)

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120.273 Earned Income From Roomer and Boarder (Repealed)
 120.275 Earned Income In-Kind (Repealed)
 120.276 Payments from the Illinois Department of Children and Family Services (Repealed)
 120.280 Assets (Repealed)
 120.281 Assets (Repealed)
 120.282 Asset Disregards (Repealed)
 120.283 Deferral of Disregards of Assets (Repealed)
 120.284 Spend-down of Assets (AMI) (Repealed)
 120.285 Property Transfers (Repealed)
 120.286 Persons Who May Be Included in the Assistance Unit (Repealed)
 120.290 Payment Levels for AMI (Repealed)
 120.295

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
 120.308 Client Cooperation
 120.309 Caretaker Relative
 120.310 Citizenship
 120.311 Residence
 120.312 Age
 120.313 Blind
 120.314 Disabled
 120.315 Relationship
 120.316 Living Arrangements
 120.317 Supplemental Payments
 120.318 Institutional Status
 120.319 Assignment of Rights to Medical Support and Collection of Payment
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
 120.321 Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
 120.322 Proof of Medical Support
 120.323 Paternity and Obtaining Medical Support
 120.324 Suspension of Paternity Establishment and Obtaining Medical Support
 120.325 Upon Finding Good Cause
 120.326 Health Insurance Premium Payment (HIPP) Program
 120.327 Foster Care Program
 120.328 Social Security Numbers
 120.329 Unearned Income
 120.330 Budgeting Unearned Income
 120.332 Exempt Unearned Income
 120.335 Education Benefits
 120.336 Incentive Allowance
 120.338 Unearned Income In-Kind
 120.340 Court Ordered Child Support Payments of Parent/Step-Parent
 120.342 Earned Income
 120.343 Marked Income
 120.346 Medicaid Qualifying Trusts

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120.347 Treatment of Trusts
 120.350 Lump Sum Payments and Income Tax Refunds
 120.355 Protected Income
 120.360 Earned Income
 120.361 Budgeting Earned Income
 120.362 Exempt Earned Income
 120.363 Earned Income Disregard - MANG(C)
 120.364 Exclusion From Earned Income Exemption
 120.366 Recognized Employment Expenses
 120.367 Income from Work/Student Assistance Programs
 120.370 Earned Income from Self-Employment
 120.372 Earned Income From Roomer and Boarder
 120.373 Earned Income in Kind
 120.375 Payments from the Illinois Department of Children and Family Services
 120.376 Provisions for the Prevention of Spousal Impoverishment
 120.379 Assets
 120.380 Exempt Assets
 120.381 Asset Disregard
 120.382 Deferral of Consideration of Assets
 120.383 Spend-down of Assets (MANG)
 120.384 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.386 Property Transfers Occurring On or Before August 10, 1993
 120.387 Property Transfers Occurring On or After August 11, 1993
 120.390 Persons Who May Be Included in the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later (MANG(P) Program)
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born or Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
 120.395 Payment Levels for MANG (Repealed)
 120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg.

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Reg. 46, P. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, P. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, P. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, P. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, P. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, P. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, P. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 772, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 772, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082, amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill.

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Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4315, effective March 1, 1985; amended at 9 Ill. Reg. 5346, effective April 1, 1985; amended at 9 Ill. Reg. 5352, effective April 1, 1985; amended at 9 Ill. Reg. 11246, effective July 9, 1985; amended at 9 Ill. Reg. 12298, effective July 23, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 13093, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11493, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988; amended at 12 Ill. Reg. 11639, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 12835, effective July 22, 1988; maximum of 150 days; amended at 12 Ill. Reg. 12434, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 12434, effective July 22, 1988; maximum of 150 days; amended at 12 Ill. Reg. 19706, effective October 30, 1988; maximum of 150 days; amended at 12 Ill. Reg. 19767, effective October 30, 1988; maximum of 150 days; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers: Adopted Action: 104.1
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: October 1, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 1, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8207)
- 10) Has JCRC issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The term "Social Service Program," has been stricken.
- 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|-------------------|-----------------------------------|----------------------------|
| 104.100 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.101 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.102 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.104 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.209 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.210 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.213 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.221 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |
| 104.246 Amendment | July 11, 1997 (21 Ill. Reg. 8858) | |

- 15) Summary and Purpose of Amendments: These proposed amendments make changes in the assistance appeals provisions to recognize the new Temporary

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NOTICE OF ADOPTED AMENDMENTS

Assistance for Needy Families (TANF) program. Recent federal and State legislation requires a complete restructuring of the Aid to Families with Dependent Children (AFDC) program. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The TANF program which is a key component of Public Law 104-193, is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for thousands of families to become employed. This new program also sets the stage for the administration of the welfare program by the new Illinois Department of Human Services, effective July 1, 1997.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

- 104.1 Assistance Appeals
- 104.10 Initiation of Appeal Process
- 104.11 Pre-Appeal Review
- 104.12 Notice of Hearing
- 104.20 Conduct of Hearings
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- 104.400 Suspected Intentional Violation of the Program
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 104.420 Postponement of Hearing
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 104.480 Appeal Procedure
- Section
 104.800 Incorporation by Reference

SUBPART F: INCORPORATION BY REFERENCE

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, P. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, P. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, P. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, P. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, P. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 639, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 21 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13643, effective July 1, 1997.

SUBPART A: ASSISTANCE APPEAL

Section 104.1 Assistance Appeals

Sections 104.10 through 104.70 apply to all appeals before the Department filed by or in behalf of applicants or recipients of public assistance under the Temporary Assistance for Needy Families (TANF), Aid to Families with Dependent Children Program (AFDC), Aid to the Aged, Blind, or Disabled Program (AABD), General Assistance Program (GA), Medical Assistance Program, Aid-to-the-Medically-Indigent Program (AMIP), Social Service Program, or Food Stamp Program, as administered by the Department.

(Source: Amended at 21 Ill. Reg. 13643, effective July 1, 1997.)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hotel Operators' Occupation Tax Act

2) Code Citation: 86 Ill. Adm. Code 480

3) Section Numbers: Adopted Action:
480.105 Amendment

4) Statutory Authority: 35 ILCS 145, 20 ILCS 2505/39b19

5) Effective Date of Amendment(s): September 29, 1997

6) Does this rulemaking contain an automatic renewal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 29, 1997

9) Notice of Proposal Published in Illinois Register: October 4, 1997, 20 Ill. Reg. 13035

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between Proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): In response to Public Act 87-951, these rules amend the definition of "permanent resident" to state that a "permanent resident" includes any person who occupied or has the right to occupy a room, or rooms, regardless of whether it is the same room or rooms, in a hotel for at least 30 consecutive days.

16) Information and questions regarding this adopted amendment shall be directed to:

Jerilynn T. Gorden
Senior Counsel Sales and Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62794
217/782-6996

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 480

HOTEL OPERATORS' OCCUPATION TAX ACT

Section
 480.101 Nature, Rate and Scope of the Tax
 480.105 Definitions
 480.110 Registration and Returns
 480.115 Books and Records
 480.120 Penalties, Interest and Procedures
 480.125 Claims to Recover Erroneously Paid Tax

AUTHORITY: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b19].

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10692, effective June 16, 1989; amended at 11 Ill. Reg. 3578, effective February 25, 1992; amended at 21 Ill. Reg. 2382, effective January 3, 1997; amended at 21 Ill. Reg. 1508, effective May 2, 2001.

Section 480.105 Definitions

"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

"Operator" means any person operating a hotel.

"Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether it is the same room or rooms, in a hotel for at least 30 consecutive days.

"Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

"Room" or "rooms" means any living quarters, sleeping or housekeeping

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ACCOMMODATIONS.

(Source: Amended at 21 Ill. Reg. 1925, effective

May 2, 2001.)

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- 1) Heading of the Part: Telecommunications Excise Tax
- 2) Code Citation: 86 Ill. Adm. Code 495
- 3) Section Numbers: Adopted Action:
495.100 Amendment
495.120 Amendment
- 4) Statutory Authority: 35 ILCS 630/17
- 5) Effective Date of Amendment(s): September 29, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 29, 1997
- 9) Notice of Proposal Published in Illinois Register: April 25, 1997, 21 Ill. Reg. 5085
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between Proposal and final version:

1. In Section 495.100(b), struck "on-the-customer's-billing-statement" and added "in the books and records of the retailer".
2. In Section 495.100(c), deleted new language "on customer billing statements" and replaced it with "in the books and records of the retailer".
3. In Section 495.100(c), struck "on-customer's-billing-statements-and".
4. In Section 495.120(b), added the following new sentence: "For provisions regarding credits, see Section 495.130."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): These rules amend Section 495.100 to provide that charges for answering services, whether provided by "live" operators or by electronic voice mail, are not "gross charges" subject to tax. If such charges are provided in connection with taxable

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telecommunications, they must be disaggregated and separately identified on a customer billing statements in order to be excluded from "gross charges" subject to tax.

The rules also amend Section 495.120 to provide that when telecommunications retailers provide services for which the customer's service address is not a fixed location (e.g., cellular phones), the Department shall use the location of the customer's primary use of the telecommunications equipment, as defined by telephone number, authorization code or location in Illinois where bills are sent, as the service address for the purpose of determining whether tax is due.

16) Information and questions regarding this adopted amendment shall be directed to:

Jerilynn T. Gordon
Senior Counsel, Sales and Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 495

TELECOMMUNICATIONS EXCISE TAX

Section Meaning of "Gross Charges"

- 495-100 Receptions
495-110 Retransmission
495-115 Interstate
495-120 Mobile Operations Reporting Option
495-125 Responsibility for Accounting and Payment of Tax
495-130 Credits

AUTHORITY: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].

SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. 13660, effective SEP 9 1991.

Section 495-100 Meaning of "Gross Charges"

a) "Gross Charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money, whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service cost or any other expense whatsoever. (Section 495-100(a) of the Telecommunications Excise Tax Act (the "Act") [35 ILCS 630/21(a)] shall read: "1999-when a part not provided in connection with service to a customer, which is not provided in connection with originating or receiving telecommunications. If such services are not necessary for or directly related to the retailer's provision of telecommunications to customers and the charges for such services are disaggregated and separately identified from other charges, the charges need not be included in "Gross Charges". Without limitation, examples of such services not included in "Gross Charges" are directory advertising; specialized designing and/or engineering services; specialized security measures; and consulting services.

b) Gross Charges shall not include charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges (Section 2(a)(4) of the Act). Customer equipment includes, but is not limited to, all items generally

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classified as customer equipment or terminal equipment, such as telephone instruments and station sets, dialers, modems, private branch exchanges (PBX's), inside wiring, facsimile machines, pagers and non-electronic associated items such as documentation, manuals and furniture. Such items of customer equipment, including maintenance and miscellaneous services may be leased, rented or sold to one customer or a group of customers without being included in the gross charges, but will be subject to Retailers' Occupation or Use Taxes. To be exempt, the charges for customer equipment must be disaggregated and separately identified from other charges in the books and records of the retailer on the customer's billing statement.

c) Gross charges does not include charges for the storage of data or information for subsequent retrieval or charges for the processing of data or information intended to change its form or content. (Section 2(a)(3) of the Act). Charges for answering services, for example, whether provided electronically or by live operators, represent charges for the storage of information or data for subsequent retrieval, and are not subject to tax. Provided that these charges, if provided in connection with taxable telecommunications, are disaggregated and separately identified in the books and records of the retailer. Charges for automated data storage, retrieval and processing services or for the use of computer time or other equipment are not included in gross charges. Automated information retrieval or data processing charges are not included in gross charges. For example, a customer who accesses an on-line computer data base would not be subject to tax on the charge for the data processing or inquiry, but would be subject to tax on the charge for the transmission of the data. If a telecommunications retailer provides both transmission and data processing services, the charges for each must be disaggregated and separately identified on customers' billing statements and in the books and records of the retailer.

d) Value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission are exempt (Section 2(c) of the Act). Processes other than computer data, protocol conversions which permit computers to communicate, network management protocols a computer's out-put may be in, and packet-switching which groups data into packets for efficiency of transmission, would be exempt.

e) Advertising revenue either from directory sales (yellow pages) or from message additions to telecommunications service are not included in gross charges. For example, revenues from an advertising message preceding a time/weather call are not included in gross charges. Contributions to a telephone fund-raising campaign are not included in gross charges.

f) Gross charges shall include, but are not limited to, charges for unlisted or unpublished numbers, operator assistance, directory information, call-waiting, call-forwarding, and burglar alarm

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retailers--and--answering--services provided by telecommunications retailers.

h) A caller located in Illinois who calls a 900 number and receives a billing for that call at his service address, will have made a call subject to Telecommunications Excise Tax. The invoice to the caller for a 900 number call need not separately state the line charge and tax. Specifically, however, the telecommunications retailer is responsible for including the tax on the line charge.

i) Gross charges shall include the transmission charges for premium services. Time/weather/gab line/party line and other public announcement services of information and entertainment, and charges for the message content or information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is the transmission charge. \$.80 is included in gross charges.

j) Charges for billing and collection received by telecommunications retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00	service charge to caller for product or service
\$.30	call charge (15c call, 15c billing and collection)
\$.15	billing and collection charge is not included in gross charges
\$25.00	is not included in gross charges
\$.15	is included in gross charge

k) Billing and collections charges paid by persons selling services or products to telecommunications retailer's customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges.

l) Taxes imposed on consumers for community 911 service, life-line service or other services required by regulatory authorities or government are not includable in gross charges.

(Source: Amended at 21 Ill. Reg. 13662, effective SEP 2 1988)

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a) Retailers of telecommunications who provide cellular phone, mobile radio, paging and other services where the customer's service address is in fact not a fixed site, but rather a motor vehicle or other mobile location, shall use the location of the customer's primary use of the telecommunications equipment, as defined by telephone number, authorization code, or location in Illinois, where bills are sent, as the address for billing purposes. For instance, a cellular phone customer whose bill is sent to a Missouri address but who maintains an Illinois telephone number would be subject to tax. For provisions regarding credits, see Section 495.130.

b) The Department will not require retailers to attempt to apportion traffic or gross charges based upon the physical location of a mobile portable telecommunications device at the time service is provided. For example, a retailer providing service to a cellular phone customer shall charge Telecommunications Excise Tax on all traffic billed to an Illinois address unless there is evidence in the books and records of the retailer that a call was originated from a location outside this State and terminated outside this State.

(Source: Amended at 21 Ill. Reg. 13653, effective SEP 2 1988)

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- 1) Heading of the Part: School Bus Driver's Pretrip Inspection Requirements
- 2) Code Citation: 92 Ill. Adm. Code 458
- 3) Section Numbers:
 - 458.1000 Adopted Action:
 - 458.1010 New Section
 - 458.1010 New Section
 - 458.1020 New Section
 - 458.1030 New Section
 - 458.1030 New Section
 - 458.1030 New Section
- 4) Statutory Authority: Implementing and authorized by Section 13-115 of the Illinois Inspection Law (625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996.)
- 5) Effective date of rules: October 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in agency's principal office: 9/30/97
- 9) Notice of Proposal published in Illinois Register: July 18, 1997, 21 Ill. Reg. 9404
- 10) Has JCQR issued a Statement of Objections to these rules? No
- 11) Differences between Proposal and final version:
 - In Section 458.1020, "School Bus Driver", the Department revised the definition.
 - In Section 458.1030(d), the Department added a provision concerning using a replacement bus and the performance of the pretrip inspection.
 - In Section 458.1030(f), the second sentence now reads as follows: "The driver's responsible for verifying that these items have been inspected as required."
 - In Sections 458.1030(g), (j) and (l), the Department changed "their" to "his or her."
 - In Section 458.1030(g), the Department added the following: "Items listed in subsection (f) may be inspected the evening prior to the day the bus will be used for a trip. The Form must indicate the date the components listed in subsection (f) are inspected. If items listed in subsection (f) are inspected on the previous day, the bus cannot be

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- driven between the time the components listed in subsection (f) are inspected and the first trip of the day."
- In Sections 458.1030(i) and 458.1030(w), the Department changed "which" to "that."
- In Section 458.1030(j), the Department deleted the comma after "owner/operator."
- In Section 458.1030(l), the Department initially capped the word "Form".
- In Section 458.1030(t), the Department added "If a component listed in Section 458.1030(u) is not present on the bus at the time of manufacture (e.g., clutch), the item must be marked out and "Not Applicable" or "N/A" must be written beside the component."
- In Section 458.1030(u), the Department added "Additional components may be added to the components listed in Section 458.1030(u) as the bus owner/operator deems necessary (e.g., wheelchair lift)."
- In Section 458.1030(x), the Department changed "December 31, 1997" to August 1, 1998".
- The Department added a new subsection (y) which reads as follows: "The Form shown in Section 458.1030(u) may be used on or after October 1, 1997; however, use of the Form shown in Section 458.1030(u) is mandatory on or after August 1, 1998."
- The Department added an Agency Note at the end of the Part and it reads as follows: "Agency Note: If the bus is not being used as a school bus (e.g., is being driven to obtain maintenance/repair work), this Part does not apply."
- The Department revised the Form at Section 458.1030(u) and it reads as follows: "The Department added 'Additional components may be added to the components listed in Section 458.1030(u) as the bus owner/operator deems necessary (e.g., wheelchair lift).'"

- 12) Have all the changes agreed upon by the Agency and JCQR been made as indicated in the agreements letter issued by JCQR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of rules: By this Notice of Adopted Rules, the Department has established Part 458 on School Bus Driver's Pretrip Inspection Requirements. Public Act 89-658, effective August 14, 1996, allows a person other than the driver to perform portions of a pretrip inspection as prescribed by this Part. In addition to establishing

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)PART 458
SCHOOL BUS DRIVER'S PRETRIP INSPECTION REQUIREMENTS

Section

458.1000 Purpose

458.1010 Applicability

458.1020 Definitions

458.1030 Driver Requirements

ILLUSTRATION A School Bus Driver's Pretrip Inspection Form

AUTHORITY: Implementing and authorized by Section 13-115 of the Illinois Vehicle Inspection Law [625 ILCS 5/13-115, as amended by P.A. 89-658, effective August 14, 1996].

SOURCE: Adopted at 21 Ill. Reg. 1306.1, effective

Section 458.1000 Purpose

This Part prescribes the pretrip inspection requirements a school bus driver must follow each day a school bus is operated.

Section 458.1010 Applicability

This Part applies to the following persons:

- School bus drivers;
- School bus owners and operators;
- Mechanics performing repairs and adjustments on school buses; and
- Department personnel.

Section 458.1020 Definitions

"Code" - The Illinois Vehicle Code [625 ILCS 5].

"Department" - The Department of Transportation of the State of Illinois, acting directly or through its authorized agents or officers. (Section 13-100 of the Code)

"Officer" - An employee of the Illinois Department of Transportation.

"School Bus" - Every motor vehicle, except as provided below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12

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or below in connection with any activity of such entity:

- Any public or private primary or secondary school;
- Any primary or secondary school operated by a religious institution; or
- Any public, private or religious nursery school.

This definition shall not include the following:

- A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is:

On a regularly scheduled route for the transportation of other fare paying passengers;

Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or

Being used for shuttle service between attendance centers or other educational facilities.

A motor vehicle of the first division.

A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Section 1-182 of the Code.)

"School Bus Driver" - Any person who is licensed to operate a school bus pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1].

"School Bus Pretrip Inspection" - The inspection performed by a school bus driver on his/her school bus prior to the bus being operated each day. Some components may be inspected by persons other than the driver. The inspection consists of checking mechanical and safety items on the bus.

"School Bus Driver Pretrip Inspection Form" - The form prescribed by the Department to be used by school bus drivers to perform the required pretrip inspection. The form contains all of the vehicle's components which must be inspected by the driver. (See Section

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458. Illustration A)

"School Bus Mechanic" - Any person authorized by the school bus owner/operator to make necessary repairs and adjustments on a school bus. May also be responsible for inspecting mechanical components during the pretrip inspection.

Section 458.1030 Driver Requirements

- a) Each day that a school bus is operated the driver shall conduct a pretrip inspection of the mechanical and safety equipment on the bus as prescribed by this Part. A person other than the driver may perform portions of the pretrip inspection as prescribed by this Part. (Section 13-115 of the Illinois Vehicle Inspection Law, as amended by Public Act 89-658)
- b) The pretrip inspection shall consist of inspecting mechanical and safety equipment on the school bus. (See Section 458. Illustration A for specific equipment listed.)
- c) The pretrip inspection shall be performed each day a school bus is operated. If the same driver operates the same bus more than once a day, a new inspection is not required for each subsequent trip.
- d) If a bus is operated by a different driver for any subsequent trips during the day, an additional pretrip inspection is required. If a driver is required to complete his/her route in a bus different than the one he/she started the route in, a complete pretrip inspection must be performed on the replacement bus.
- e) The driver is required to complete a School Bus Driver's Pretrip Inspection Form (the Form) each time an inspection is performed. Any defects found on the bus must be recorded on the Form.
- f) The following items must be inspected during the pretrip by someone other than the driver (e.g., school bus mechanic). The driver is responsible for verifying that these items have been inspected as required. Verification is provided by the driver's signature on the Form.
 - 1) Oil;
 - 2) Coolant;
 - 3) Battery;
 - 4) Transmission Fluid;
 - 5) Master Cylinder Brake Fluid;
 - 6) Power Steering Fluid;
 - 7) Washer Fluid;
 - 8) All belts (e.g., fan, alternator, power steering); and
 - 9) Wiring.
- g) If any person other than the driver inspects any item listed in subsection (f) of this Section, that person must provide his or her signature on the Form. Items listed in subsection (f) may be inspected the evening prior to the day the bus will be used for a trip. The Form must indicate the date the components listed in

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- subsection (f) are inspected. If items listed in subsection (f) are inspected on the previous day, the bus cannot be driven between the time the components listed in subsection (f) are inspected and the first trip of the day.
- h) If defects are discovered, the driver must notify the school bus owner/operator so the defects can be corrected.
- i) The Department recommends that all defects be corrected before any bus is used to transport children. Each school district or contractor must establish policies to govern procedures that are to be followed when any component is found to be unsatisfactory.
- j) Each day before a school bus is operated, the driver must examine the previous Form to verify all defects have been corrected. If all defects have not been corrected, the driver must immediately notify the school bus owner/operator or his or her designee.
- k) The Form shall be completed in duplicate.
- l) The original Form shall be presented to the school bus owner/operator, or his or her designee, each day an inspection is completed. The owner/operator, or his or her designee, shall be responsible for insuring the repairs/adjustments are made as soon as practicable.
- m) After any repairs are made, the school bus mechanic performing the repairs/adjustments must sign and date the Form.
- n) The original copy shall be maintained by the owner/operator for one hundred and eighty days from the date of inspection.
- o) The duplicate copy shall remain in the bus for thirty days from the date of inspection.
- p) The original Forms shall be organized in an orderly fashion and made available for inspection at any time by officers of the Department as authorized by 92 Ill. Adm. Code 456.60(11).
- q) The owner/operator is responsible for providing Forms to the drivers.
- r) Each school bus must be equipped with an adequate supply of Forms.
- s) Forms are typically organized in a booklet format. Each booklet contains a number of Forms. Each bus shall have one booklet assigned to it. The booklet must stay on the bus until each duplicate copy has remained on the bus for at least 30 days (see subsection (o) of this Section).
- t) Forms must not be filled out in advance and each individual component must be checked or marked while the Form is being completed. If a component listed in Section 458. Illustration A was not present on the bus at the time of manufacture (e.g., clutch), the item must be marked on the Form and "Not Applicable" or "N/A" must be written beside the component.
- u) A copy of Section 458. Illustration A can be used or a form can be developed which contains all the information found in Section 458. Illustration A. Additional components may be added to the components listed in Section 458. Illustration A as the bus owner/operator deems necessary (e.g., wheelchair lift).
- v) The Department must approve all variations of Section 458. Illustration A before a form other than Section 458. Illustration A can be used.

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DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Emergency Action:
148.140 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: September 27, 1997
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: September 27, 1997
- 8) Reason for Emergency: These emergency amendments concerning clinic services in county owned facilities are necessary to cover the escalating costs incurred as care is increasingly provided in outpatient settings. These amendments provide for reimbursement for a new category of hospital based clinic providers, Critical Clinic Providers, which are a key component in the Department's effort to reform outpatient reimbursement. Immediate implementation of these amendments will ensure that access to necessary health care services is maintained in a cost effective manner.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments create a new category of hospital based clinic providers, Critical Clinic Providers, for county owned facilities. Funding for these services will be in part from existing outpatient reimbursement to cover the escalating costs incurred as care is increasingly provided in outpatient settings. These changes are expected to increase spending by about \$22 million. Qualifying clinics under these emergency amendments will receive reimbursement through the County Provider Trust Fund
- 10) Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

148.25	Amendment	August 29, 1997 (21 Ill. Reg. 11881)
148.140	Amendment	September 26, 1997 (21 Ill. Reg. 13032)
148.310	Amendment	August 1, 1997 (21 Ill. Reg. 10016)

- 11) Statement of Statutory Policy Objectives: These emergency amendments do not affect units of local government.

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- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

The full text of the Emergency Amendments begins on the next page:

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TITLE 99: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation on Hospital Services
148.80	Organ Transplant Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services (Repealed)
148.84	Heart Transplants (Repealed)
148.90	Liver Transplants (Repealed)
148.100	Bone Marrow Transplants (Repealed)
148.110	Disproportionate Share Hospital (DSH) Adjustments
148.120	Outlier Adjustments for Exceptionally Costly Stays
148.130	Hospital Outpatient and Clinic Services
148.140	
EMERGENCY	
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates for All Hospitals; Payment of Alternate Cost Rates for All Hospitals;
148.270	Determination of Alternate Cost Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements

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(relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (a)(2) of this Section above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C), Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.461(f)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.461(f)(1)(E) and Section 148.25(b)(5)(E).

- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.454(b)(2) for assigned clients.

- 6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

- 7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section above, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

- b) Hospital Ambulatory Care Program

Effective April 1, 1986, the Department liberalized the list of

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allowable ambulatory procedures to add many surgical, diagnostic and highly technical treatment procedures that can be performed and reimbursed on an ambulatory basis.

- 1) Hospital Ambulatory Care Groupings

Under the Hospital Ambulatory Care Program, a Hospital Ambulatory Care List was developed that defines those technical procedures which require the use of the hospital outpatient or hospital-based clinic setting, specialized staff and/or equipment. These procedures were separated into separate groupings based upon the complexity and historical cost of the procedures. The four separate groupings are as follows:

- A) Group I procedures are high level technology surgeries that consume many hospital resources and are costly to deliver.
- B) Group II procedures are certain nonsurgical, very high level technology services recognized and approved by the Department as safe outpatient procedures.

- C) Group III procedures are other surgical, specialized cardiac and diagnostic procedures.

- D) Group IV procedures are specialized treatment procedures, observation services, high risk, and emergency room services.

- 2) Hospital Ambulatory Care List Updating

The Hospital Ambulatory Care List is updated periodically. As technology changes, so do the procedures that fall into the four categories. In addition, annual changes in the ICD-9-CM procedure codes and their meanings necessitate annual changes to the Hospital Ambulatory Care List.

- 3) Hospital Ambulatory Care Reimbursement Prior to July 1, 1995
- Reimbursement for Hospital Ambulatory Care procedures was initially developed in 1986. For each of the four separate groupings identified in subsection (b)(1) of this Section above, a set rate maximum has been developed based upon the complexity of the procedure, historical costs, and teaching status of the hospital, the type of hospital, and the setting in which the procedure would most likely be performed (i.e., outpatient department, general clinic department, psychiatric clinic department, or physical rehabilitation clinic department).

These set rate maximums have been periodically adjusted since 1986 based upon the above factors. Reimbursement for Hospital Ambulatory Care procedures performed prior to July 1, 1995, shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.

- 4) Hospital Ambulatory Care Reimbursement Effective July 1, 1995
- Effective July 1, 1995, reimbursement for Hospital Ambulatory Care procedures shall be as follows:

- A) With respect to Group I procedures described in subsection (b)(1)(A) of this Section above, reimbursement shall be at the lesser of charges or the hospital's alternate

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reimbursement rate, as defined in Section 148.270(a), equivalent to the rate of a one-day inpatient stay.

- B) With respect to Group II procedures described in subsection (b)(1)(B) of this Section above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital as defined in Section 148.25(d); or a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3); or

- ii) A hospital defined in Section 148.25(b).

- C) With respect to the Group III procedures described in subsection (b)(1)(C) of this Section above, reimbursement shall be at the lesser of charges or one of two separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or

- ii) A hospital defined in Section 148.25(b).

- D) With respect to the Group IV procedures described in subsection (b)(1)(D) of this Section above, reimbursement shall be at the lesser of charges or one of six separate rate maximums depending upon whether the hospital is classified as:

- i) A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d); or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or

- ii) A hospital defined in Section 148.25(b); and
- iii) Whether the service is provided in the outpatient, general clinic, psychiatric clinic, or rehabilitation clinic department.

5) County Facility Outpatient Adjustment

- A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:
- i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated

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rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

- ii) The county facility outpatient adjustment under this subsection shall be on a calendar basis.
- B) County Facility Outpatient Adjustment. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

- i) "Base Year" means the most recently completed State fiscal year.
- ii) "Rate Year" means the State fiscal year during which the county facility adjustment payments are made.
- iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.
- iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

6) No Year-End Reconciliation

With the exception of the retrospective rate adjustment described in subsection (b)(7) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under subsection

(b).

- (b). Rate Adjustments
- With respect to those hospitals described in Sections 148.25(b)(1)(A), the reimbursement rates described in subsection (b)(4) of this Section above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

- A) The reimbursement rates described in subsection (b)(4) of this Section above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

- B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

- 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies

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(relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

9) Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close after the facility's fiscal year.

c) Payment for outpatient end-stage renal disease treatment (ESRD) services pursuant to Section 148.40(c) shall be made at the Department's payment rates as follows:

- 1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.200 through 149.240.
- 2) For outpatient services or home dialysis treatments provided pursuant to Sections 148.40(c)(2) or 148.40(c)(3), the Department will reimburse hospitals and clinics for ESRD services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).
- 3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Sections 148.40(c)(2) or 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.
- 4) Payment for physician services relating to ESRD will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
- 5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis.

A) Reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

6) With the exception of the retrospective rate adjustment described

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in subsection (c)(5) of this Section above, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

d) Non Hospital Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement
Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall not qualify as either a Maternal and Child Health Program Managed care clinics, as described in 89 Ill. Adm. Code 140.46(f), or a Critical Clinic Provider, as described in subsection (g) of this Section, shall be on an all-inclusive per encounter rate basis. Reimbursement shall be calculated as follows:

- i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.
- ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section above, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.
- iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section above, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section above to determine the per encounter base rate.
- iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section above, shall be the per encounter base rate.

B) Supplemental Rate

- i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.
- ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.
- iii) The quotient derived in subsection (d)(1)(B)(i) of this Section above, shall be added to the product derived in subsection (d)(1)(A)(iii) of this Section above, to determine the per encounter supplemental rate.
- iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section above, shall be the per encounter supplemental rate.

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C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section above, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section above, shall be adjusted in accordance with subsection (d)(2) of this Section below.

2) Rate Adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section above, shall be calculated as follows:

A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. Specific client coverage positions relating to eligibility and appeal of the services available to those clients which pertain to the services billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

e) Critical Clinic Providers

1) Effective for services provided on or after September 27, 1997, clinics owned and operated by a county with a population of over three million, that are within or adjacent to a hospital, shall

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qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998.

B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999.

C) 3000 for reimbursement provided during the facility's cost reporting year ending during 2000.

D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and

E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.

2) Reimbursement for all services provided by a Critical Clinic Provider shall be on an all-inclusive per encounter rate which shall equal recoded direct costs of the Critical Clinic Provider for the facility's cost reporting period ending in 1995, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).

4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

(Source: Emergency amendment at 21 Ill. Reg. 13075, effective September 27, 1997)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 23, 1997 through September 29, 1997 and have been scheduled for review by the Committee at its October 21, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with comments should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/6/97	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	8/1/97	10/21/97
11/6/97	Capital Development Board, Illinois Accessibility Code (71 Ill Adm Code 400)	7/25/97	10/21/97
11/9/97	Department on Aging, Board and Care Facilities Registration (89 Ill Adm Code 290)	6/6/97	10/21/97
11/9/97	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	7/11/97	10/21/97
11/9/97	Department of Human Services, Child Care (89 Ill Adm Code 50)	7/18/97	10/21/97
11/12/97	State Board of Education, Pupil Transportation (23 Ill Adm Code 275)	6/13/97	10/21/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 440) published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jrules@cep.state.il.us (Internet address).

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